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GENERAL EDITOR FOR THE OLD TESTAMENT :—
A. F. KIRKPATRICK, D.D.
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THE BOOK OF
DEUTERONOMY

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THE BOOK OF
DEUTERONOMY

In the Revised Version

With Introduction and Notes

by

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PREFACE

BY THE

GENERAL EDITOR FOR THE OLD TESTAMENT

THE present General Editor for the Old Testament in the Cambridge Bible for Schools and Colleges desires to say that, in accordance with the policy of his predecessor the Bishop of Worcester, he does not hold himself responsible for the particular interpretations adopted or for the opinions expressed by the editors of the several Books, nor has he endeavoured to bring them into agreement with one another. It is inevitable that there should be differences of opinion in regard to many questions of criticism and interpretation, and it seems best that these differences should find free expression in different volumes. He has endeavoured to secure, as far as possible, that the general scope and character of the series should be observed, and that views which have a reasonable claim to consideration should not be ignored, but he has felt it best that the final responsibility should, in general, rest with the individual contributors.

A. F. KIRKPATRICK.

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PREFACE

THE Commentary which constitutes the bulk of this volume was practically complete by 1914. I regret that other duties have prevented me till now from finishing the Introduction. While writing this I have carefully revised the Commentary. I am greatly indebted to the General Editor of the Series for his patience with my work and for the many valuable suggestions he has made with regard to it.

The *Deuteronomy* of the late Professor Driver, in the International Critical Commentary, is the standard English work on the subject; its wide learning and wise judgement ensure its continuance as the basis of all subsequent studies of the Book in our language. It admirably gathers up and appraises the results of a long era of Biblical Criticism. But since the publication of its first edition in 1895 the analysis and the exposition of Deuteronomy—particularly in connection with the Singular and Plural forms of address to Israel—have run through a new stage, modifying the old problems and starting fresh ones. There have also been considerable additions to our knowledge of the relevant geography and archaeology. I have endeavoured to do justice to all these recent efforts and results, and to revise in their light the conclusions of the earlier criticism.

Such work as I have done in this volume I desire to dedicate to the memory of two great scholars, long and closely associated in the study and interpretation of the Old Testament, FRANCIS BROWN and SAMUEL ROLLES DRIVER, in gratitude for all that I have learned from them and for the friendship with which they honoured me.

GEORGE ADAM SMITH

UNIVERSITY OF ABERDEEN
15 *March* 1918

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INTRODUCTION

§ 1. Names
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§ 1. *Names.*

Like other books of the Pentateuch, this, the fifth, owes its present name of Deuteronomy to the Septuagint. In ch. xvii. 18 is the phrase, *a duplicate*, or *copy*, *of this law* (Heb. *mishneh hat-tôrah haz-zôth*). The Greek translators misrendered this by the words τὸ δευτερονόμιον τοῦτο, 'this second law-giving,' and gave the title Δευτερονόμιον, Lat. Deuteronomium, to the whole Book; while some later Jewish writings refer to it as 'Mishneh Torah.' Though thus born in error, the name Deuteronomy is so far appropriate that the Book contains the *second* codification of the Law of Israel, the first being that which is found in the Prophetical Narrative of the Pentateuch, JE—Ex. xx. 23—xxiii. 19 with xxxiv. 11—27, and xiii. 3—7, 10—13 (see Chapman, *An Introduction to the Pentateuch*, in this series, p. 110). The Heb. text of the Book bears no title, and as in the case of other Books of the Pentateuch it was referred to by some of its opening words: *These be the Words* or briefly *Words*. But during its course the Book suggests for itself three general titles (about which however we must ask later whether they cover the whole or only

parts of our Deuteronomy): (*a*) *This Law* (Heb. *Tôrah*, i. 5, iv. 8, xvii. 18 f. etc.) or *This Book of the Law* (xxix. 21, xxx. 10, xxxi. 26) or *The Book of this Law* (xxviii. 61), similarly in 2 Kgs xxii. 8, 11, cp. xxiii. 24; (*b*) *The Words of the Covenant* (Heb. *Bᵉrîth*, see note on iv. 13) *which the* LORD *commanded Moses to make with the children of Israel in the land of Moab* (xxix. 1), cp. *the Words of this Covenant* (xxix. 9), *the Covenant of the* LORD *thy God* (xxix. 12, cp. xiv. 21, 25), always as distinct from the Covenant in Ḥoreb (xxix. 1, iv. 13, 23, v. 21, ix. 9, 11, 15), and so the Book is referred to as *the Book of the Covenant* in 2 Kgs xxiii. 2, 21; (*c*) *This Commandment* or *Charge* (Heb. *Miṣwah*, v. 31 (Heb. 28), see note, vi. 1, vii. 11 etc.).—Further, the separate laws of the Tôrah or Bᵉrîth or Miṣwah are called *statutes and judgements* (Heb. *ḥuḳḳîm* and *mishpāṭîm*) either alone (iv. 1, 5, 8, 14, v. 1, xi. 32, xii. 1, xxvi. 16) or combined with, or varied by, *commandments* or *charges and testimonies*, or *decrees* (Heb. *miṣwôth* and *ʿēdôth* iv. 45, vi. 17, 20).—The name 'Fifth Book of Moses' occurs only in our English and other modern versions (Chapman, *I. P.* p. 2).

§ 2. *General Content, Structure, and Style.*

As some of its names imply, Deuteronomy is the record and contents of a Second Legislation or Covenant of Law delivered through Moses to Israel—second, that is, to the Legislation or Covenant of Ḥoreb—which he proclaimed and *expounded* to all the people at the close of their wanderings between Egypt and the Promised Land, when they were encamped in one of the gorges that break downwards from the north-west edge of the plateau of Moab into the valley of Jordan, over against Jericho. The Laws proper assigned to this occasion form the central bulk of the Book. They are introduced by long discourses, with Moses as the speaker, in form both historical and hortatory, and in purpose *expository* (see on i. 5) of the facts and principles on which they are based; and they are followed by other discourses from Moses enforcing them on the obedience of the people. The Book—and with it the Pentateuch—closes upon further chapters of exhortation and narrative which carry events up to the death

of Moses and prepare for the succession of Joshua. The time covered by Deuteronomy is thus—apart from the historical reviews in its discourses—very brief.

By several distinct headings or superscriptions (some accompanied by fragments of narrative) as well as by corresponding differences of subject-matter and form, the Book divides itself as follows:

Ch. i. 1—4. General Title (composite)
5. Special Title to the following—

A. Chs. i. 6—iv. 40. The First Discourse Introductory to the Laws (all deuteronomic in style) divided into—
(*a*) Historical Part, i. 6—iii. 29.
(*b*) Hortatory Part, iv. 1—40.

Ch. iv. 41—43. Fragment on Cities of Asylum (deuteronomic).
44—49. Special Title (composite) to

B. Chs. v.—xi. The Second Discourse Introductory to the Laws (all deuteronomic), divided into
(*a*) Prologue, v.
(*b*) Hortatory Part, vi.—xi. but including
(*c*) Historical Review, ix. 7 b—x. 11.

Ch. xii. 1. Special Title (composite) to

C. Chs. xii.—xxvi. The Laws—'The Statutes and Judgements' (mainly deuteronomic in style). For the divisions into which these fall and for the contents of each division see below, pp. 154—156.

D. Chs. xxvii.—xxx. Closing Discourses (deuteronomic) divided into—
(*a*) Instructions for the Immediate Future, xxvii. (showing no connection save in *vv.* 9 f. with what precedes or follows).
(*b*) Epilogue to the Laws, xxviii.
Ch. xxix. 1. Editorial Note.
(*c*) Further Discourse or Discourses, xxix.–xxx.

E. Chs. xxxi.—xxxiv. Last Days and Discourses of Moses (composite, from all the documents of the Pentateuch, with two poems from unknown sources, xxxii. 1—43, and xxxiii.).

It is now generally acknowledged, even by most conservative critics[1], that this last Division forms a later, editorial supplement to Deuteronomy, belonging less to it than to the Pentateuch as a whole, and designed to connect the Pentateuch with the Book of Joshua. The analysis of these chapters, xxxi.—xxxiv., compiled as they are from pieces of all the Pentateuchal documents, may be left to the notes upon them in the commentary.

But chs. i.—xxx.—save for a number of laws, some titles and other fragments—are composed throughout in the same style, one of the most palpable, distinctive and memorable in the Old Testament. No other Hebrew prose, except parts of Isaiah xl.—lv., is so elevated and so sustained or has such a swing and such a sweep. Not only in exhortation but in narrative and even in the statement of single laws (when these are not quoted *verbatim* from somewhere else) this style is what we call rhetorical. But the rhetoric is its own: rich in resonant words and phrases, many of which do not occur elsewhere, fond of the more emphatic forms of words, lavish in emphasis and absolute statement, and sometimes leaping to hyperbole; now stern, now tender, now exulting, but always urgent and always expansive, accumulating verbs and epithets and especially reiterating a series of formulas, most of them fervent and intimate, which also are peculiar to itself. Some of the frequent repetitions of these formulas which our canonical text presents, are doubtless due to redactors or scribes, as may be seen from a comparison of the Hebrew with the Ancient Versions. But that by far the most of them are original is proved by the fact that neither the same nor a similar reiteration is found in any other prose, upon which the influence of Deuteronomy has not fallen[2]. Emphasis, accumulation, and re-

[1] See the striking admission by Professor Orr quoted on p. 332 of this volume.

[2] Steuernagel's allegations of merely scribal repetitions, *Der Rahmen*

petition are however not the only marks of this urgent and sonorous style. The religious fervour and the passion to instruct which are its driving forces frequently fall back from their prevailing absolutism in order to explain, refine and qualify. For the Book never forgets its declared purpose *to clear up* or *expound*. But this purpose and all these various impulses, forward, backward and aside, are carried upon the same powerful unbroken rhythm—unbroken even when the syntax breaks beneath them—which invests the Book with its singular dignity and charm. The music overwhelms all feeling of redundancy. Deuteronomy is like a flowing tide on a broad beach, the long parallel waves dashing, withdrawing and dashing again.

Our more immediate duty is to define the distinctions between this style and those of the other documents of the Pentateuch—J, E, P and H. The distinctions are both general and detailed. General because while the other documents are mainly histories with legislation coming in by the way—or as in H a small code and its epilogue only—Deuteronomy i.–xxx. is a discourse or discourses from end to end, the speech of a man face to face with his hearers, dealing with the Law from first to last and recalling, almost exclusively, such events as they have shared with him, *which your eyes, which our eyes have seen*. Though the other documents are also designed for the people this one is exceedingly more direct and more intimate. Nor has any of the other documents the rhythm of Deuteronomy. J and E have each its own incomparable power of narrative; P its formal, often statistical but generally solemn fashion of statement. But none have the diapason, the long sweeping waves of oratory, which haunt us from Deuteronomy. As for details, Deuteronomy, like its neighbours in the Pentateuch, has a vocabulary and favourite phrases of its own, distinct from theirs. Its names for certain places and things, touched on by all, are different from the names which some of them give. Its characteristic words and formulas are

des Deuteronomiums (1894), *Die Entstehung des deuteron. Gesetzes* (1896) and *Deuteronomium-Josua* (1898 in Nowack's *Handkommentar z. A. T.*), are extravagantly numerous.

used by them either never or with such infrequency as to offer a marked contrast to their lavish employment in Deuteronomy. In parallel passages Deuteronomy substitutes rarer or more sonorous or more emphatic forms for those with which JE and P are content. All this will become the more significant to us as we perceive how dependent Deuteronomy is, both in its historical reviews and in its code, upon the history and laws of JE, and especially of E. Even when it repeats statements or expressions found in JE it expands these or gives a turn to them in a way that is all its own and tuned to its peculiar rhythm. Common instances are its formal or hortatory additions to some of the laws; but its narratives are full of them. In these it increases the adjectives or turns them into superlatives, replaces a plain phrase by one more concrete and vivid, strikes an emphasis, or lifts a simple statement of fact into a hyperbole. Nothing could more clearly reveal the distinctiveness of the style of Deuteronomy than these, its own, alterations of another style to the accent and rhythm peculiar to itself. As for its particular differences from the style of P, each document has a number of single words never or rarely found beyond it and each has its own characteristic formulas. Whether in general or in particular no two writings, dealing in part with the same material, could offer a more decided contrast to each other in style and language[1].

It is unnecessary to give a full list of the terms, formulas, and other phrases, which are either confined to Deuteronomy or are otherwise characteristic of its style. They are all pointed out in the notes to the text, and the more marked of them are gathered in the paragraphs of this Introduction which deal with the resemblances and differences among the divisions of the Book itself, §§ 6 and 7[2]. Here let some illustrations suffice. As to

[1] A small group of words characteristic of P is found in ch. iv. and will be treated later.

[2] Lists will be found in the Introduction to Driver's *Deuteronomy*, in Appendix IV. to Chapman's *Introduction to the Pentateuch* (in this series), in Estlin Carpenter and Harford-Battersby's *The Hexateuch*, 1. 200, and in Holzinger's *Einleitung in den Hexateuch*, 1. (1893). See also Steuernagel's 'Einleitung' to his *Deuteronomium-Josua* (cited in

the difference of place-names, Deuteronomy has with E *Ḥoreb* for the *Sinai* of J and P (for references see on i. 2), *Pisgah* for P's *Nebo* (iii. 17, 27), and with P *Ḳadesh-Barnea* (see on i. 2) for the simple *Ḳadesh* of the others. Deuteronomy has different names for the same things: with JE *shebeṭ, tribe* (see on i. 13), for P's *maṭṭeh* (over 140 times in P); *yᵉrushah, possession* (see on ii. 5), for P's *'ăḥuzzah* (about 40 times); *ḳahal*, the national *assembly* or *congregation* (v. 22, ix. 10, x. 4, xviii. 16, cp. xxiii. 1, 2, 3), for P's favourite *'edah* (over 100 times), though P occasionally uses also *ḳahal*; and *tables of the covenant* (ix. 9, 11, 15) and *ark of the covenant* (x. 8) for JE's simple *tables of stone* and *the ark*, and P's *table of the testimony* and *ark of the testimony*. In the law of the Cities of Refuge P (Nu. xxxv.) uses for *accidentally* the term *bishᵉgagah* but Deuteronomy (xix.) the term *bibᵉlî daᶜath*. Deuteronomy's fondness for accumulating epithets and verbs is sufficiently illustrated by these instances: *by temptations, by signs, and by wonders, and by war, and by a mighty hand, and by a stretched out arm, and by great terrors* (iv. 34); *the great God, the mighty and the terrible* (x. 17); *his charge, and his statutes, and his judgements, and his commandments* (xi. 1); *to fear the* LORD *thy God, to walk in all his ways and to love him, and to serve the* LORD *thy God with all thy heart and with all thy soul, to keep the commandments of the* LORD *and his statutes* (x. 12 f.) and similar combinations; *thou shalt talk of them when thou sittest in thine house, and when thou walkest by the way, when thou liest down and when thou risest up* (vi. 7); *take heed to thyself and keep thy soul diligently, lest thou forget the things which thine eyes saw and lest they depart from thy heart all the days of thy life* (iv. 9); or the many shorter combinations such as, *Remember, forget not* (ix. 7), *know therefore and lay it to thine heart* (iv. 39), *observe and do* (iv. 6 and 6 other times), *fear not neither be dismayed* (i. 21, xxxi. 8 and the deuteronomic Josh. viii. 1, x. 25) and *dread not neither be afraid* (i. 29, xx. 3,

the last note but one), § 8, 'Zur Sprachstatistik des Deuteronomiums,' and Bertholet's brief but judicious remarks in his *Deuteronomium*, 'Einleitung' IV.

xxxi. 6), and *to eat and be full* (viii. 10, 12, etc.). All this is no mere development of the parallelism characteristic of Hebrew poetry and practised by some of the prose; it is something different and individual. Even apparent redundancies like *go in and possess the land whither ye go over to possess it* (xi. 8) are carried off by the rhythm of the original and do not sound superfluous.

Of the characteristic formulas of Deuteronomy and their frequency these specimens are sufficient: *Jehovah, our, your*, or *thy God* over 300 times in Deuteronomy alone, against fewer than 50 in the rest of the Pentateuch (see on i. 6); *which I am commanding thee* or *you*, 33 times in Deuteronomy and elsewhere only once, Ex. xxxiv. 11; *in thy gates* for *in thy cities*, 27 times in Deuteronomy and elsewhere only once, Ex. xx. 10, where it is probably an editor's echo of Deuteronomy; and the following which are not found at all in the other parts of the Pentateuch: *Hear O Israel* 4 times, *observe to do* 12 times, *that it may be well with thee* 7 times, the combination *stranger, fatherless, and widow* 8 times, *to cleave to Jehovah* 4 times, *a holy people* 5 times, *a peculiar people* thrice, *the ashtoreths of thy flock* (vii. 13 note) 4 times and the infinitive *hêṭîb* used adverbially 5 times; with these more emphatic forms *'êkah, how* (for *'ek*), 5 times, and not elsewhere in the Pentateuch, *lebab, heart*, and *'anokî, I*, both very frequently used as against a very few instances of the shorter forms *lēb* and *'ănî* which the notes will explain; and the use of the more sonorous termination to the imperfect, *ûn*. If to all these there be added the list of religious and ethical terms peculiar to Deuteronomy which are given in § 3 and its other unique or very rare terms selected on pp. xlix f., liii ff., a very striking impression will be received of the individuality of the style of Deuteronomy. And yet not the *full* impression or idea, for this only comes (as has been said) after a detailed observation of Deuteronomy's characteristic expansions and alterations of the phraseology of JE, on which both for narrative and for law it so largely depends.

The dependence of Deuteronomy on JE is too constant

throughout long stretches of the discourses and too frequent in the Code to be summarised here; for the evidence of it the reader is referred to the notes on the text and especially to those on i. 7, 9—18, 25, 28, 34—40; ii. 1—8 *a*, 15, 26—37; iii. 17 and 27 *Pisgah*; iv. 15, v. 2 f., ix. 8, etc. *Horeb*, 9, 10 *a*, 12, 16 f., 21 f., x. 1—4; and for the laws xiv. 21 *b*, xv. 12—18 (perhaps), xvi. 1—17, 19, xix. 15—21 (perhaps), xxii. 1—3, 4, xxiii. 19, xxiv. 7, 12 f., part of xxv. 19, xxvi. 5—9[1]. The basis of these is mainly E, but J also has been used, and we shall have to consider later the question whether the writer, or writers, of Deuteronomy were acquainted with J and E before (Dillmann) or only after (Horst, Bertholet) the amalgamation of these two documents. But be that as it may, Deuteronomy in the re-statement of their records of fact and of law, besides introducing its characteristic formulas, reveals most clearly the features of its peculiar rhetoric—expansiveness, fondness for accumulating epithets and impulse to hyperbole. Its hortatory additions to the laws common to itself and E and its attachment of the words *of the covenant* to JE's plain *tables of stone* and *the ark* have already been mentioned. The following are still more striking: the characteristic expansions in ch. v. of Ex. xix. 15, 17, 19, xx. 1—21, in ix. 17 of Ex. xxxii. 19 *b* and in ix. 21 of Ex. xxxii. 20 (see too ix. 26—29); the turning of E's phrase *great nation*, Ex. xxxii. 10, into *a nation mightier and greater than they*, ix. 14, and of *the thousands* of Ex. xx. 6 into *a thousand generations*, vii. 9; or the concentration and enhancement of E's *thick cloud* and *thick darkness*, from separate passages, into the *darkness*, *cloud*, *and thick darkness* of iv. 11; or the addition, viii. 15, of the emphatic

[1] See Driver's *Deuteronomy*, § 2. On p. xv he says: 'in the retrospects, the narrative of Ex. Nu. is followed step by step, and clauses, or sometimes entire verses, are transcribed from it *verbatim*, placing beyond the possibility of doubt the use by the writer of the earlier narrative of the Pent.' See also Driver's notes on the parallel passages of Exodus in his *Exodus*; and Chapman's *Introduction to the Pentateuch*, pp. 86—95, 112—117, the former passage being an analysis of the accounts of the mission of the spies with the conclusion, p. 95, that Deuteronomy's account is based on JE's and shows no trace of acquaintance with P's.

of flint—a word not found before Deuteronomy—to JE's simple *rock*; or the raising of E's more sober statements into these hyperboles—*like the stars of heaven for multitude* (i. 10, x. 22, xxviii. 62), *cities fenced up to heaven* (i. 28, ix. 1), and *into the heart of heaven* (iv. 11)—with which we may take the magnificent viii. 4, *thy raiment waxed not old neither did thy foot swell these forty years*, and in x. 14 the superlative *heaven of heavens* used there for the first time in the Old Testament.

But indeed no lists of details are required to impress the general fact on the reader either of the Hebrew or of our English Versions. The individuality and distinction, the original force, buoyancy, volume and rhythm of the style of Deuteronomy i.—xxx. are pervasive and conspicuous throughout; and in particular its difference is indubitable, both in form and temper, from the styles of the other constituents of the Pentateuch.

§ 3. *Standpoint, Doctrine, and Spirit.*

This conspicuous distinction of style both from JE and P is coincident in Deuteronomy with a representation of facts in the early history of Israel and with a statement of the laws (ascribed by all alike to Moses), both of which differ at many points from the parallel narratives and laws in those other documents. Some of these divergences are slight, others more grave. But a few are wide enough to imply a difference of standpoint and attitude which is fundamental.

It may be of little—yet not negligible—importance that (as we have seen) Deuteronomy gives to certain places other names than some of its fellow-documents do. The divergences of fact are more significant, especially those from JE, in view of Deuteronomy's general dependence on JE and particularly on E. It is true that a number of these divergences are not actual discrepancies; for example, in the account of the institution of the tribal heads, i. 9—18, the omission by Deuteronomy of any mention of Jethro, to whom E attributes the suggestion

of the plan while Deuteronomy attributes it to Moses; the addition of Joshua's name to that of Caleb, i. 26—38; the different division of the last thirty-eight years of the time in the wilderness, the bulk of which was spent at Ḳadesh according to JE, but between Ḳadesh and the brook Zered according to Deuteronomy, ii. 1—8*a*, 14; Deuteronomy's additions of the campaign against Og, King of Bashan, iii. 1—11, and of the half-tribe of Manasseh (to Reuben and Gad), iii. 12 ff.; and the differences as to the events in Ḥoreb, for which see the notes to ix. 8—29, x. 1—5, 10 f., among them the addition of the making of the Ark, x. 1. Nearly all these differences are susceptible of explanation, and most might disappear if we had the full text of the documents J and E. Deuteronomy's additional facts may have been narrated in these—this is as certain as possible with regard to the making of the Ark; while Deuteronomy's omissions are explicable by the fact that its narratives are but a summary of those of JE. Yet the silence about Jethro is symptomatic of a distinctive attitude to foreigners; for it is consistent with the omission from Deuteronomy of other foreign influences on Israel. The Book says nothing of what J tells us, Nu. x. 29—32, of Moses' appeal to Hobab to act as eyes to the host (see p. 7), or of Balaam beyond the fragment of doubtful authenticity in xxiii. 4*b*; it forbids intermarriage with the Canaanites, vii. 3, and a foreigner as King, xvii. 15, and it emphasizes the sufficiency of Israel's own wisdom for the national life, iv. 6—8. Far more difficult, and less reconcilcable, are Deuteronomy's differences from P in regard to facts. The spies, according to i. 24, reached only the southern part of the Promised Land about Hebron, but P carries them as far as Rehob in the extreme north; and the two documents trace very different routes for Israel from Ḳadesh to the border of Moab—see the notes on ii. 1—8*a* and x. 7—and name different places as the scene of Aaron's death and burial, x. 6*b*. Such cases are indicative of different traditions of the early history of Israel. Again while Deuteronomy, in agreement with JE, mentions Dathan and Abiram as the subjects of the judgement which it recalls in xi. 6, P mentions Korah instead. While

Deuteronomy says that at Ḥoreb God *separated the tribe of Levi to bear the ark of the covenant of Jehovah, to stand before Jehovah, to minister to his name*, x. 8—in agreement with its emphatic identification of Priests and Levites elsewhere—P confines the phrase to *minister to Jehovah* to the Priests, who according to it were not *all* the tribe of Levi but only a single family thereof, and specially allots the office of bearing the Ark to another clan, the Kohathites. Moreover while P constantly associates Aaron with Moses in solemn transactions on Ḥoreb and throughout the wilderness, Deuteronomy mentions Aaron twice only, once as the object of God's anger, ix. 20, and once on his death, x. 6—if indeed this verse be Deuteronomy's (see notes to x. 6 f.). These last cases are not only discrepancies in fact; they are symptoms of a difference in standpoint and attitude between Deuteronomy and P, which will emerge fully when we come to compare the two codes.

But the most critical of the divergences as to fact which Deuteronomy exhibits is one from *both* JE and P—that on the amount and character of the Law promulgated to all Israel on Sinai-Ḥoreb. Deuteronomy states that the Ten Commandments, iv. 13, and the Ten Commandments only—*he added no more*, v. 22—were the words of the Covenant at Ḥoreb; the people also were too terrified to hear more so the Lord delivered His further commands to Moses alone (v. 25–32), who did not communicate these to the people till the eve of crossing the Jordan and they form Deuteronomy's Code, chs xii.—xxvi., the basis of the Second Covenant in Moab. But JE assigns to Ḥoreb the far longer and more detailed Code, Ex. xx. 23—xxiii. 19, and states that—not the Decalogue but—this, written out as *the Book of the Covenant* and publicly read, formed the basis of Israel's covenant with God at Ḥoreb, Ex. xxiv. 3–8. As Driver says in his note on Ex. xxiv. 3: 'the Decalogue, which the people had heard themselves cannot be included in the terms used[1]' by E of its *Book of the Covenant*. The discrepancy

[1] Driver's *Exodus* (in this series), p. 252.

is complicated by the fact that the Code, chs xii.–xxvi., which Deuteronomy says was privately delivered to Moses (v. 31) but was not published by him till 38 years afterwards in Moab as the terms of the Second Covenant, is partly based on the Code or *Book of the Covenant* which E avers to have been written out and publicly read at Ḥoreb. The inference seems just, that while the writer or writers of Deuteronomy knew of E's Book of the Covenant (for they used it) they did not know of any promulgation of it on Ḥoreb, although the present form of E's narrative distinctly says that it was promulgated there. Hence Kuenen's suggestion that the Book of the Covenant, Ex. xx. 23—xxiii. 19, appeared in the original form of E (as used by Deuteronomy) not at Ḥoreb but in Moab, like Deuteronomy's Code or Book of the Covenant. However this may be, Deuteronomy gives an account of the legislation on Ḥoreb very different from that in Exodus[1].

The legislation which P dates at Sinai (= Ḥoreb) is not only far greater in amount than either Deuteronomy or E assigns to Israel's sojourn there, but is of a vastly different character. It lies now in Ex. xxv.—xxxi., with a variant form in Ex. xxxv.—xl., and is continued throughout the Book of Leviticus, except for chs xvii.–xxvi., which is a separate code known as 'The Holiness Law' or H. To all this long corpus of laws and regulations, said by P to have been delivered to Israel, or to Moses and Aaron, on Sinai, Deuteronomy makes no reference, and has very little material in common with it. That the writer or writers of Deuteronomy did not know of all this legislation assigned by P to Sinai is a natural deduction from their definite limitation of the public Law and Covenant on Ḥoreb to the Ten Words or Commandments. This difference of historical statement is not accounted for by saying that Deuteronomy is a book for the people, and therefore dispenses with regulations about ritual,

[1] See, below, the notes introductory to ch. v. pp. 79 f., and to 'The Ten Words,' pp. 81 ff. Compare Robertson Smith, *OTJC*, 2nd Ed. pp. 331—337, much expanded from the 1st Ed., and Chapman, *Introduction to the Pentateuch* (in this series), pp. 112—117.

vestments, and the furniture of the Sanctuary, which were within the office of the priests alone. For P too was meant (as we have seen) for all Israel; and its laws with regard to most of these details of the worship were commanded by God to be *spoken to the children of Israel* (Ex. xxv. 1; cp. Lev. xxvii. 34). The construction, equipment and financing of the Sanctuary were, according to P, the duty of the whole people and possible only by their co-operation after detailed public instruction; while many of the other laws said by P to have been delivered on Sinai have to do with the nation's practical, every-day life. No: there is here a real discrepancy of fact. As Mr Chapman says, the deuteronomic narrative of what happened at Horeb "leaves no room" for the public legislation dated there by P; Deuteronomy expressly limits the *public* legislation at Horeb to the Ten Commandments.

When we pass from the narratives of the promulgation of the Law in the different documents to an examination of the contents and character of their different codes, we see that the discrepancies as to fact between Deuteronomy, JE, and P are connected with striking differences of standpoint, historical and social, and fundamental distinctions of attitude and spirit.

The Code of Deuteronomy, xii.—xxvi., not only (as we have seen) expands with its own rhetoric some of the laws of JE; but it extends their application, enforces them with fresh motives, frequently modifies them, and adds new laws creating new institutions—all in a way that reflects a more mature and complex form of society than that for which the codes of JE as they stand in Ex. xx. 23—xxiii. 19 and Ex. xxxiv. are designed. For example, the law on loans extended by Deuteronomy to embrace loans to foreigners, xv. 3, xxiii. 20, and the new laws against the removal of boundary stones, xix. 14, and on the King, xvii. 14—20, and the Prophet, xviii. 9—22, with all the detailed and graded administration of justice, xvi. 18—20, xvii. 8—13, reveal Israel as long settled in the Promised Land, with a more developed agriculture, commerce and polity, and ideas of prophecy, than there is any trace of in the primitive codes of J and E.

The contrast between the Codes of Deuteronomy and of P is still greater. Though it also extends to the social and political conditions of the people, it is mainly a contrast of religious ideas, organisation and institutions. In P these are developed, distinguished and classified to a degree far beyond anything that appears in Deuteronomy. Not merely does P enter into minute details of ritual for which Deuteronomy has no eye and shows no concern; but in the larger elements and on the main lines of the practice of religion there are great differences. For example, P increases the number of the annual Feasts (see on xvi. 1 ff.) from three to seven and adds the Year of Jubilee, elaborates the sacrifices, divides and grades the priestly tribe and multiplies their rights—of all which Deuteronomy either knows nothing or enjoins inconsistently something simpler. To Deuteronomy all men of the tribe of Levi are priests; *the priests the Levites* is its distinctive and peculiar term for them, which it puts past all ambiguity by once adding the words *all the tribe of Levi*, xvii. 9, 18, xviii. 1, xxiv. 8; cp. xxi. 5. According to it they are all eligible, on certain conditions, for the distinctive priestly functions—*at that time Jehovah separated the tribe of Levi to bear the ark of the covenant of Jehovah, to stand before Jehovah to minister unto him and to bless in his name unto this day*, x. 8; *and if a Levite come from any of thy gates out of all Israel where he sojourneth ... he shall minister as all his brethren the Levites do which stand there before Jehovah; they shall have like portions to eat*, xviii. 6–8. But in P, on the contrary, Priests and Levites are not identical terms; the priesthood and distinctive priestly functions, of bearing the ark and of standing before Jehovah to minister unto Him, are confined to descendants of Aaron, and *Levite* is the name for the other members of the tribe, to whom priestly functions are forbidden under heavy penalties and who discharge less sacred duties about the altar and the sanctuary—see further the notes on x. 8 f., xviii. 1–8. This difference between Deuteronomy and P is the more significant, that the former's Code is in harmony therein with the spirit of the earlier practice of Israel, and the latter's with the later practice (see 1 Kgs xii. 31 and

Ezek. xliv. 10—16)[1]. Further, P, who says nothing about a king, speaks of *a high* (literally *a great*) *priest*, who has many of the distinctions of a king: he is anointed (Ex. xxix. 7, Lev. iv. 3, 5, viii. 12, Nu. xxxv. 25), wears the mitre and holy diadem (Ex. xxix. 6), and dates are reckoned by his life (Nu. xxxv. 25). Of this Deuteronomy says not one word. Again, P increases the value of the priest's share of the sacrificial meat which Deuteronomy allots to him, and this is the more significant because Deuteronomy's injunctions are themselves a distinct advance on the practice in early Israel—see the notes to xviii. 3. Altogether P increases the dues to the priests to a very much greater degree over what was the custom with regard to them in early times[2]. There is also in the legislation of P an enhancement of the *holiness* of the priesthood, and a distinction between things *holy* and *most holy*, of which Deuteronomy tells us nothing.

But the cardinal distinction of the Code of Deuteronomy is the law of the One Altar and Sanctuary, ch. xii. 2—14. 17—19, 26 f., along with the necessary consequences of this in new, or modified, laws upon the slaughter of beasts elsewhere than at the Altar, xii. 15 f., 20 -25; on Tithes and the payment of vows and the sacrifice of firstlings, xii. 17 f., 26 ff., xiv. 22—29, with the additional note on Tithes, pp. 196 f.; and on the three annual Feasts, xvi. 1—17; on the provision for the Levites of the rural sanctuaries, xviii. 6—8; and on the cities of Asylum or Refuge, xix. 1 ff. While the laws of JE—in accordance with the practice of early Israel, sanctioned by all their religious leaders down at least to Elijah

[1] See Chapman, *Introduction to the Pentateuch* (in this series), pp. 153 ff. The reader will find the opposite case well stated by Orr, *Problem of the Old Testament*, pp. 184—192. The present writer has carefully considered this attempt to reconcile Deuteronomy's and P's statements about Priests and Levites. Dr Orr suggests that by the expression *the Priests the Levites* Deuteronomy only means 'the Levitical Priests.' But this interpretation is excluded by Deuteronomy's addition, *all the tribe of Levi*, xviii. 1, which Professor Orr ignores, and by Deuteronomy's permission to any Levite to perform priestly functions.

[2] Wellhausen, *Prolegomena to the History of Israel* (E. T.), 158; and the present writer's *Jerusalem* 1. 354 ff. For the difference between Deuteronomy's and P's laws of tithes see below pp. 196 f. and cp. 207 f.

(see below p. xl ff.)—assume the validity of sacrifice to Jehovah at any altar where He may *record His Name*, Deuteronomy forbids all altars save one, and confines sacrifice to it[1]. P also knows the single Sanctuary, but P throws back the institution of this to the legislation on Sinai, while to Deuteronomy the single Sanctuary and Altar is still a thing of the future, to be realised only when the people have settled down in the Promised Land. P also regards the eating of flesh not sacrificed as lawful, whereas H, the older code (Lev. xvii.—xxvi.) incorporated in P, still requires all slaughter of animals for food to be sacrificial.

Deuteronomy, then, has a standpoint very distinct both from that of JE and from that of P. On the whole it is a standpoint midway between them. For on the one hand it reflects social and political and religious conditions more developed than those reflected in JE and on the other it exhibits an organisation of religion far less developed than that in P. The worship of Jehovah, sanctioned by JE at many altars—in accordance with the earlier practice in Israel—is concentrated by Deuteronomy on one only sanctuary. Deuteronomy alone has a Law of the King, while P has no reference to a King but exalts the chief priest and invests him with some at least of the distinctions of royalty; and Deuteronomy alone, it must also be emphasized, has a law of the Prophet. We shall have to reckon the bearing of all this on the question of the date of Deuteronomy[2], especially in view of the light cast on it from the earlier and later historical books. Meantime all we have to note, and on the strength of the cumulative evidence we have marshalled to note emphatically, is the conspicuous distinctiveness of the standpoint of Deuteronomy.

But above and around this conspicuous standpoint of Deuteronomy, with its consequent differences of detail, there is a different

[1] In the light of the practice in early Israel it is impossible to reconcile the law in JE with that of the single altar in Deut. by saying that the former permits only successive but not necessarily simultaneous sanctuaries (so Douglas in *Lex Mosaica*, and Robertson, *Early Religion of Israel*, p. 410).

[2] See § 11.

atmosphere from those we breathe in the other documents. The style of the Book is but the music of winds that blow and sing through it alone—that sing even among its laws.

With the other documents Deuteronomy shares a very spiritual conception of the relations of Israel to their God. Though the religion of Israel, especially in the Pentateuch, betrays many of the traits common to all families of the race from which Israel sprang—many forms of ritual and ethical tempers, many of the physical phenomena in which the Deity was believed to manifest Himself to men, and especially the conception of Him as the God of *one* people through whom His Name and Nature were revealed—yet the origin and character of Jehovah's relations to Israel are not (as with those of other Semitic gods to their peoples) physical, growing out of the soil or confined to one land, but historical and moral. Nor are they the reflection of the people's own character. Jehovah *chose* Israel and chose them not for their strength or virtue but out of pity when they were in weakness and affliction, and *redeemed* them; and they had traditions of His earlier manifestations to some of their forefathers, to individual souls of their race, always the human fountain-heads of spiritual religions. Jehovah's providence for the nation had not been only physical or political, *by signs and great wonders and by war*, but ethical, to instruct and discipline them, to prove and sift them; and the religiousness of Israel was the moral response to all this, a trust in His faithfulness, gratitude and the endeavour to keep His commandments. They felt that He was unique with a uniqueness both of power and character among the gods of mankind; and that by His influence they had a conscience and character and a religious wisdom of their own. So far all the documents of the Pentateuch are at one; they all reach this level.

But nowhere else in the Pentateuch has the love of God to man such free course as in Deuteronomy; and nowhere else is man's love to God invoked, except once in Ex. xx. 6, and that is a deuteronomic addition to the Decalogue. These two, God's love to man and man's love to God, are everywhere in Deuteronomy.

They are the essence of its creed (vi. 1—5) the motives and power of the full obedience it demánds, the passion of its wistful appeals *to remember*, *to know* and *to consider*, of all its constant cry for the *hearts* of its hearers. They beat in its distinctive metaphors—*as a man beareth his son*, *as a man chasteneth his son*—and in these still more intimate terms *to draw to* (or *set his love upon*) and to *cleave to*[1], of a man's true love to a woman: an early anticipation of St Paul on the love of Christ and His Church. And they echo throughout narrative, exhortation, and law alike, in those refrains to the Divine Name, *thy God*, *your God*, *our God*; over three hundred of them (as we have seen) to fewer than fifty in all the rest of the Pentateuch[2]. It is true that Deuteronomy dwells on the *Greatness* of God, iii. 24, v. 24, ix. 26, xi. 2 (elsewhere only in xxxii. 3, 1 Chr. xxix. 11, and Pss. cxlv. 3, 6, cl. 2), *a Great God and a Terrible*, vii. 21, x. 17, xxviii. 58, cf. x. 21, and inculcates throughout the *fear* of Him. But He is *terrible* for His Israel's sake and the fear of Him casteth out the fear of man. Except in face of the awful happenings on Horeb Deuteronomy gives no occasion to construe this as terror or dread. On the contrary, the frequent commands *fear* and *learn to fear* associate the temper with *hearing*, *keeping*, or *doing*, God's Law. *Fear* is reverence, anxious obedience, the intelligent and loyal practice of a trust (see on iv. 10). It is as little opposite to, as closely one with, love as the *watching*, *taking heed to thyself* and *keeping thy soul diligently* which are enjoined with equal frequency. God's love for Israel, His intimacy with them and His care alike for the weakest of themselves—with the *stranger that is in thy gates*—and for the smallest details of their life and its circumstance are all plied with a tenderness that pervades the Book, narrative, exhortation and law alike, and suffuses with a peculiar warmth all God's relations to His people and the duties He requires of them to Himself and to one another. The thoroughness of the discipline which only love can impose appears in the favourite phrases *to humble thee and to prove*

[1] viii. 5, and the notes on vii. 7, *ḥashaḳ*, and x. 20, *dabaḳ*.

[2] See note on i. 6.

thee, to know what was in thine heart (see on viii. 2): and peculiar to Deuteronomy is the command *to love Jehovah thy God with all thy heart and with all thy soul and with all thy might* (vi. 5). The effect of all this is a great joy in religion, on which Deuteronomy, of all the documents, most insists: *ye shall rejoice before the* LORD *your God, thou shalt be altogether joyful* (xii. 12, 18, xiv. 26, xvi. 14, 15, xxvi. 10, 11); it is a sin with a curse on it, *that thou hast not served the* LORD *thy God with joyfulness and gladness of heart* (xxviii. 47). There is nothing of this in the laws of JE; it breaks through only once in those of P, *the day of your gladness* (Nu. x. 10), and once in those of H, Lev. xxiii. 40. Indeed the word for *gladness* appears only once more in all the rest of the Pentateuch, in the mouth of Laban the Aramean (Gen. xxxi. 27); it is not used even in E's story of Miriam and the women with their timbrels and dances (Ex. xv. 20 f.), nor in his or J's laws of the great Feasts. The contrast presented by P's and Deuteronomy's pictures of the worshipping congregation in the central Sanctuary is very striking: in P the awful glory of the Divine Presence, bells, trumpets, sweet savour of frankincense, gorgeous vestments, careful ablutions and all the people *shouting and falling on their faces*; in Deuteronomy only a set of happy households eating of the sacrificial meal and *rejoicing before the* LORD, *altogether joyful*. In one place Deuteronomy extends this joy in worship to *all that ye put your hand to* (xii. 7); and we may therefore take with it the Book's delight in the Land—*that good land* is its frequent phrase—and the passages through which it lingers on the beauty and fruitfulness of *the land which the* LORD *thy God is giving thee* (vi. 10 ff., vii. 12 ff., viii. 7 ff., xi. 10 ff.). Take it all in all Deuteronomy has a heart of its own—a bigger, richer heart than any of its fellows in the Pentateuch.

Other spiritual qualities distinctive of the Book are these. Though with the rest of the documents it records *the signs and great wonders* of the Divine Providence of Israel and even delights in its own way in describing them as the very grasp and gesture, *the strong hand and outstretched arm*, of the

Almighty, the writing *finger of God*—of whom it also declares *ye saw no manner of form, no form only a voice* (iv. 12, 15)—yet it lays still greater emphasis on this voice alone, on the spoken word of God. Sometimes, as in i. 6—8, it ignores the physical manifestation to which P gives constant prominence and records only the voice accompanying. To Deuteronomy all miracles are ancillary to the Law; they only lead up to this end: *your eyes have seen all the great work of the* LORD *which he did; therefore shall ye keep all the commandments*, xi. 7 f. The Law is the thing! The Book does not doubt the reality of the miracles even of the false prophets, yet the test of a prophet is to be not his miracles but the character of his teaching (xiii. 1). All divination, necromancy and the like, all the magic which revels in alleged physical signs at the expense of the moral and intellectual elements of religion, are of course absolutely condemned; *they are abominations to Jehovah* (xviii. 9–22). Only the prediction that *comes to pass* is to be a mark of true prophecy—such a prediction implies faith and spiritual foresight—yet even it is to be repudiated if associated with false teaching (cp. xiii. 2 with xviii. 21 f.). To this doctrine of prophecy and discriminate treatment of miracles there is no counterpart in the other documents. On the whole then, the truth, the purity, the love that the Word carries are the proofs of its divinity; in the acceptance of these consist *the wisdom and the understanding* (iv. 6) which distinguish Israel from other peoples. The *greatness* and *the strength* of Israel lie not in their power or wealth but in their *statutes and judgements*, and in their obedience to these (iv. 8, xi. 8, etc.). Life—*that ye may live* and *that it may be well with thee*, very favourite phrases of the Book—comes by penitence and seeking after God (iv. 30), by discipline, obedience and watchfulness. Compare the prophetic appeal in x. 12: *And now Israel, what doth the* LORD *thy God require of thee?*

It is in all these doctrines and tempers of doctrine that the distinctive spirituality of Deuteronomy is manifest, even more than in its proclamations of the Unity (vi. 4) and Uniqueness

(iv. 34, 39) and Sovereignty (x. 14, 17) of the Godhead of Jehovah, however absolutely we may interpret these; or in its insistence that He is without physical form (iv. 12, 15), or in its constant thunders against *other gods*, and all *images*, *likenesses* and material emblems of deity. How much occasion and reason there were for such proclamations and denouncements, and for the passion that swells in them, may be seen from the multiplicity of the cults which Israel encountered in Canaan and from the character of these cults. Not only were there gods many and lords many in the world—a fact that Deuteronomy, speaking to a generation which believed in their reality, seeks to reconcile with the sovereignty of Jehovah by saying that it is He who has allotted those gods to their various peoples (iv. 19)—but the throng of gods in Canaan alone were by the popular mind easily huddled into, and confounded with, each other. The prophets bear witness how readily Israel, on emerging from the desert and settling to agriculture and the growth of the vine—with Canaanites still as their neighbours, for their conquest of the land was gradual (vii. 22)—succumbed to this polytheism and syncretism, and confounded their own God with the similarly titled deities of the land, the Baals the Adons and the Meleks. Compare Deuteronomy itself: *Take heed to thyself that thou be not drawn away after them* (*after that they be destroyed from before thee*); *and that thou inquire not after their gods*, *saying*, *How do these nations worship their gods? even so will I do likewise* (xii. 30). Most of what became shrines of Jehovah when Israel settled in Canaan had from time immemorial been the shrines of the local deities. The attributes of these gods and the forms of their worship were transferred to Him and to His worship. This transference took place the more easily that Israel as a family of the Semitic stock had already in common with the Canaanites so much ritual and so many sacraments—sacrificial slaughter of beasts, sacred poles and pillars with their unction and the like—and even so many conceptions of the Godhead—as the Lord of one nation, through whom His Name, (that is the revelation of His nature) was revealed, as its King

and leader in war, *a man of war* (Ex. xv. 3), as the Baal or husband or fertiliser of its land, as the Raingiver whose emblem was the rainbow, and as the Lawgiver whose voice was heard alike in thunder and in the rustle of the trees. Thus after Israel's occupation of Canaan, though the *high places* of the land may in name have belonged to Jehovah, in reality they were devoted to the Baalim—*according to the number of thy cities are thy gods, O Judah!* (Jer. xi. 13). There were in fact many Jehovahs. Hence the necessity of proclaiming the Unity of the God of Israel, hence even the particular forms in which it is proclaimed by Deuteronomy: *Hear, O Israel, Jehovah thy God is one Jehovah* (vi. 4), *Jehovah He is God, there is none else beside Him; in heaven above and on the earth beneath He is God, there is none else!* (iv. 35, 39). Hence too the cardinal law of the concentration of His worship on One Sanctuary and One Altar, and the destruction of all the high places (ch. xii.). In the religious circumstances of Israel in Canaan the One Altar was the only practical safeguard of the creed of the One God. Hence, too, the abolition of certain objects and rites that were traditional and had even been divinely sanctioned in Israel's worship, the Asherim or sacred poles and the Maṣṣeboth or sacred pillars (xvi. 21 ff., with the notes pp. 218—220), or the shaving of the head in mourning (xiv. 1) to which even the prophet Amos speaks of the voice of God as calling the people (see note on p. 185). For such things were contents also of the Canaanite cults, by tradition from a common racial source. Hence, too, the recurring denunciation of all images. And hence even the ruthlessness of the laws against the Canaanites themselves and the Israelite worshippers of other gods (vii. 22 ff., xiii., xvii. 2—7, xx. 13, 16 ff.). If this ruthlessness, and the particular cruelties with which it was to be carried out, as in the *herem* (ii. 34, etc.), seem paradoxical beside the other features of Deuteronomy on which we have dwelt—the love and tenderness that breathe through it—we must remember that the like combination has often appeared in the history of religion, when to the sincere consciousness of the possession of a higher purity,

there has been added the fanatic zeal which a monotheistic creed appears to engender especially among Oriental peoples. But this brings us to consider in more detail the ethics of our Book.

The ethics of Deuteronomy show proofs of development similar to those we have observed upon its system of religion. That is, while they have elements in common with the ethics of other Semitic peoples, they mark in many respects an advance and ascent both from these and from the earlier law and practice within Israel itself. There is at once greater thoroughness of treatment (for example in providing for eventualities, see on xv. 7—11), in applying principles and in refusing compromise or a composition of interests where principle is concerned: and on the other hand there are a broader equity and a greater humanity and a more considerate dealing with the rights and feelings of individuals. But, above all, motive and intention are included as well as action to a degree not found in any other system of laws and certainly beyond that reached by the other Israelite codes[1].

Take first the administration of justice. Deuteronomy sanctions the same system of tribal judges and of appeal from them to the representative of God at the sanctuary (i. 9—18, xvi. 18—20, xvii. 8—13), which exists among other Semitic peoples, nomad or settled; but with its characteristic application of religion to every interest of the national life it impresses upon the tribal judges that their charge as much as the priests' is *God's judgement* (see on i. 17). With all Semitic law and practice Deuteronomy shares the same conscience of impartial justice and in particular it joins JE in forbidding bribes; but, after its style, it is more emphatic in its demands: *Justice, Justice shalt thou follow* or *hunt* (xvi. 20). The principle of like for like—*life for life, eye for eye, tooth for tooth, hand for hand, foot for foot*—is laid down (xix. 21, cp. xix. 19, xxv. 11 f.) as in the other Hebrew codes and in all Semitic jurisprudence; and the justice of the Semitic vendetta or blood-revenge is

[1] In the following paragraphs detailed references to the Code of Hammurabi are omitted as they are given in the notes.

assumed—it is necessary to the welfare of society (xix. 13)—with of course the rights of sanctuary which mitigate the vendetta in all the tents and cities of Shem and are recognised in each of the Hebrew codes (xix. 1—13, Ex. xxi. 13 E, and Nu. xxxv. 9—34 P); and as everywhere the guilty murderer is delivered to the kinsmen of his victim as his executioners (xix. 12, cp. *v.* 6). But in Deuteronomy as in P careful provision is made for the full trial of the accused and for his security, if it be found that the fatal stroke was not intended by him; while on the other hand, as in JE and P, no such composition is permitted between a guilty man and the avengers of blood as is frequent among the Arabs, for the sin of murder is one not only against man but against God (see the additional note to xix. 1—13 and that at the foot of p. 241). The death-sentence is pronounced not only upon the murderer but as throughout the Semitic world and elsewhere on the man-stealer (xxiv. 7) and the adulterer (xxii. 13 ff.), and as in some Semitic societies on the obdurate rebel against authority, that *all the people may hear and fear* (xvii. 12 f.) and on the rebellious son that *all Israel may hear and fear* (xxi. 18—21) (we must remember also that prisons are difficult to construct in most Semitic communities); and it is extended to the presumptuous prophet (xiii. 1—5, xviii. 20) and to native seducers to idolatry (xiii. 6—18, cp. Ex. xxii. 20 E). These last cases rest on the same grounds of course as the merciless destruction of the Canaanites and of their property in war—*thou shalt ban them; thou shalt make no covenant with them, nor shew them mercy*, *ḥesed*, the kindly loyalty natural between man and man (vii. 2 f.). Those grounds are: *first*, that of ritual danger, for this is within the content of the technical terms *tō'ēbah*, *abomination*, and *shiḳḳeṣ*, *to detest* (see on vii. 25 ff.) and is implied in the phrase, *that there cleave nought of the thing banned to thine hand* (xiii. 17); *second*, of the jealousy of Israel's own God against other gods (iv. 24, v. 9, vi. 15); but also, *third* (implicitly), of the ethical uncleanness of their practices—*the wickedness of these nations* (ix. 5, see note), to which recent excavations of Canaanite sanctuaries bear

witness. While death is decreed to the false prophet and seducers to idolatry nothing is said of death in the case of the religious prostitutes of both sexes; but it has probably to be inferred as inflicted on them just as it must have been in the case of incest, in which also it is not mentioned (xxii. 30). As in other primitive societies communal responsibility is recognised for crimes, the individual authors of which cannot be detected (xxi. 1—9); and also the ethical solidarity of the family, with the power of parents over their children even to the extent of putting them to death (xxi. 18—21). But this last is subject to examination and judgement by the elders; the parents are spared from being the executioners; and it is laid down that neither parents nor children shall be put to death for the guilt of each other (xxiv. 16); this law is peculiar to Deuteronomy and in contradiction to the earlier custom in Israel at least up to the time of Amaziah. Deuteronomy does not repeat E's decree of death to the man who strikes his father and mother (Ex. xxi. 15) or who curses them (Ex. xxi. 17), but the latter is cursed (xxvii. 16).

That the mother is joined with the father in the reverence due from their children (v. 16, cp. xxvii. 16) and named along with the father in the case of the disobedient son (xxi. 18 ff) may be substantially no more than we find in JE and in the Babylonian laws; among even the nomad Arabs a mother of sons is held in honour. But of woman in general and of man's duty to her there is no doubt that Deuteronomy is inspired by higher conceptions than we find in the other Hebrew codes; witness its more discriminating form of the Tenth Commandment, v. 21, and see the notes to that and to xv. 12, 18, xxi. 14, xxii. 13 and xxiv. 1—4. Polygamy is taken for granted, but in its risks, that one wife may be loved better than another, justice is enforced for the latter and her child (xxi. 15—17). The law on Divorce—the practice of this has always been easy among the Semites—is designed to make divorce a more serious and deliberate affair than even in Israel it was conceived to be, and in particular to prevent the degradation of the woman by too easy conveyance from one husband to another (xxiv. 1—4). It is interesting that

the Code allows marriage with a female captive of war, with whom an Israelite has honestly fallen in love, and provides against her being *used as a chattel*, if he grows tired of her (xxi. 10—14). The case of the suspected bride is in procedure on a level with similar cases among other Semitic tribes but in Deuteronomy's statement of it there are touches of consideration for the woman's feelings which are the Book's own (xxii. 13—21). In adultery the man is to be punished equally with the woman; for rape the man shall die, and if a man seduce a girl a fine shall not be sufficient, he must marry her *because he hath humbled her* (xxii. 22—29). This is in advance of E's law (Ex. xxii. 16 f.).

A comparatively small proportion of the social laws of Deuteronomy are—apart from the cardinal law of the One Altar and its consequences—concerned with matters of ritual; cp. the notes on the law of clean and unclean foods xiv. 3—21, against various mixtures xxii. 5—9, 11, and of tassels xxii. 12, possibly also xxiii. 9—14 on Cleanness in the Camp.

On the other hand the number of laws that are based on reasons of humanity is very striking; in nothing else is the superiority of Deuteronomy to other codes more conspicuous. Yet we must discriminate. For example, the generous treatment enforced for household slaves (xv. 12—18) has been always part of the general Semitic conscience, and is practised in Arabia today (see notes on pp. 202 ff.). The other Hebrew codes provide for *the stranger*, the foreign settler in Israel's gates (E, Ex. xxii. 21, xxiii. 9; H, Lev. xvii. 10 ff., xix. 10, 33 f., xx. 2, xxiv. 22; P, Ex. xii. 19, 48, Lev. xvi. 29, Nu. xv. 14, 16, 29) and legislate for *the widow* (E, Ex. xxii. 22 f.; H, Lev. xxi. 14, xxii. 13; P, Nu. xxx. 9 ff.). But P's references to both stranger and widow are all concerned with ritual; H leaves the gleanings of the field to *the stranger and the poor* and insists that in law *native and stranger shall fare alike.* E alone adds *the fatherless* (Ex. xxii. 22 f.) and his directions for all three are based purely on grounds of justice and sympathy. So are Deuteronomy's but they are much more numerous and emphatic, always in the combination,

the stranger, the fatherless and the widow, x. 18, xxiv. 17, 19, 20, 21, xxvii. 19, and with *the Levite*, xiv. 29, xvi. 11, 14, xxvi. 12, 13. It is also distinctive that in the law leaving the gleanings to the poor, which is peculiar to H and Deuteronomy, while H gives as the motive *I am Jehovah thy God*, Deuteronomy emphasises this as kindness and as gratitude to God, and characteristically extends the law to the olive crop as well as to the grain (xxiv. 19 ff.) Israel is to *love the stranger* as God *loveth him* (x. 18 f.). Deuteronomy's law on loans and pledges (xxiv. 10—13) as compared with that of E (Ex. xxii. 25, see Driver's note) shows no new principle but a more delicate consideration of the feelings of the poor debtor. With H alone Deuteronomy shares the law enjoining the payment to the hired servant of his wage before sunset (xxiv. 14 f.; H, Lev. xix. 13; cp. Matt. xx. 8). Nor is it without significance that a number of other laws based on motives of humanity are peculiar to Deuteronomy among the Hebrew codes: on sparing the fruit trees in a siege (xx. 19 f.), a real advance on the ethics of war in the Semitic world and even within Israel; on protecting roofs (xxii. 8); on help to an escaped slave (xxiii. 15 f.), also an advance on Semitic custom; against taking the family millstones as a pledge (xxiv. 6); against excessive beating (xxv. 1—3), and on kindness to animals (xxv. 4, cp. v. 14, and possibly xxii. 6 f.). Peculiar also to Deuteronomy is the law, equally scrupulous and equitable, upon the use at need of others' crops (xxiii. 24 f.). But both this law and that on not muzzling the ox (xxv. 4) are generally observed in the East. And also in Deuteronomy alone are two regulations on decency, physical and moral, on the cleanness of the camp (xxiii. 9—14) and reckless assault (xxv. 11 f.), in neither of which are we compelled to trace the motive to any idea of ritual. If all these laws which are peculiar to Deuteronomy were derived by it from other codes, as we know that it derived some from E, yet its selection of them is no less a proof of the distinctive spirit of its morality. In these laws, as in the additions to others, the heart that beats behind the Deuteronomic Code is, as we have seen already, a bigger and a richer heart than we can feel in any other.

But still more distinctive of the higher ethical spirit which pervades Deuteronomy is its searching examination of moral moods and of motives and its inclusion of thoughts and desires as well as actions in its purview—as, for example, in its expansion of E's story of the disaffection of the people and their penitence after the return of the spies (i. 26–33); its call to *consider with the heart* (iv. 39), that is not, as our ears might take it, with the feelings, but with what *heart* meant to the Hebrew, the practical intellect; its denouncement not only of the appropriation of unlawful silver and gold but of all desire for this (vii. 25); its warnings against base thoughts as well as base deeds, *lest thou say in thy heart*, or *beware that there be not a base thought in thy heart*, or *it must not seem too hard to thee* (viii. 17, ix. 4, xv. 9, 18). The obedience it demands to the Law of God is one of *all the heart and all the soul and all the strength*. With morality so personal it is not strange that though it is the only Code which provides for a King, Deuteronomy should lay such distinctive stress as it does upon the moral and political responsibilities of the whole people and upon their character as the critical element in their history. One of its laws recognises that public conscience in Israel, which exists also in the poorest tribe of the Arabian desert to-day, the instinct not to dishonour nor to shame one's fellow-tribesmen; *she hath wrought folly in Israel* (xxii. 21; cp. J, Gen. xxxiv. 7, Josh. vii. 15, Judg. xx. 6, 10). It shares the essentially democratic spirit common to all Semitic peoples. But it brings this out in its own moral way, emphasising the responsibilities of all members of the state rather than their rights. According to other documents of the Pentateuch Moses himself selects the tribal judges, according to Deuteronomy the people (see notes on i. 9—18, xvi. 18), and it describes how grave and serious the office of election is. Similarly it is the people who propose to Moses to send the spies (i. 22), while in P the sending of the spies is a Divine command (Nu. xiii. 1 f.); in the victories over Sihon and Og Moses emphasises the people's share, *we smote him, we took all his cities* (ii. 33 ff.; cp. iii. 4, etc.); and all the exhortations and all the laws are to Israel as a whole. And there is no flattery

of the people, but on the contrary, just as by the prophets, their wickedness is unsparingly declared; their shallow penitence is rejected (i. 41—46); they are repeatedly called presumptuous in action, *stubborn*, *wicked*, *and sinful* (ix. 27), a *stiffnecked people* (ix. 6, 13, x. 16), constantly *rebelling* (ix. 7, 23 f.), *corrupting themselves* (ix. 12) and *quickly turning aside* (ix. 16); *not for thy righteousness or for the uprightness of thine heart...doth Jehovah thy God drive them out before thee* (ix. 4 f.). The modern mind may object to the exclusiveness of the Old Testament's conception of the Deity's relation to Israel (see below), but it cannot deny that the relation is conceived in a thoroughly ethical spirit.

It is sometimes objected to Deuteronomy that its morality is too absolute—do good and you shall live, do evil and you shall perish—and that the absolutism is not relieved by any admission or explanation of the sufferings of the righteous: the problem that engaged Jeremiah and the later generations of thinkers in Israel. This is not wholly true. There is at least one passage on the Divine purpose of suffering. *He hath led thee these forty years in the wilderness that He might humble thee, to prove thee, to know what was in thine heart....And He humbled thee, and suffered thee to hunger and fed thee with manna...that He might make thee know that man doth not live by bread only, but by every word that proceedeth out of the mouth of the* LORD *doth man live* (viii. 2 f.). But the mind of the Book is not exercised with the problem, and immediately swings back to its absolutism upon the great hyperbole: *Thy raiment waxed not old upon thee, neither did thy foot swell these forty years* (viii. 4). *As a man chasteneth his son so did the* LORD *thy God chasten thee* (viii. 5). The Book leaves it at that, but that is much.

But there are two other more significant limitations upon the teaching of Deuteronomy. We have observed its interesting silence on the foreign influences which according to JE assisted Israel: Hobab's, Jethro's[1], and Balaam's; its sense of the sufficiency of Israel, possessors of the Law as they were, to themselves. Its

[1] Hobab and Jethro may be the same.

interest, its sympathy, its humanity do not extend beyond Israel and the strangers within their gates. There is no blessing through Israel for other peoples as in J (Gen. xii. 3, xviii. 18, xxii. 18, xxvi. 4, xxviii. 14)[1], no calling of them nor destiny for them as in the prophets (Amos ix. 7, Isai. ii. 2 ff., xxiii., etc.); nor even a sense of any natural law of nations (Amos i.); no missionary spirit, nor pity nor charity for other peoples, no promise for mankind beyond Israel. The law as to the admission of individual Edomites and Egyptians of the third generation resident in Israel (xxiii. 7) is no exception. And the morality and religion of Deuteronomy are confined to this life. There is no hope, nor even a thought, of one beyond.

Such, then, are the peculiar style, standpoint, doctrines, spirit, and limitations of Deuteronomy i.—xxx. throughout. The force and individuality of the Book; its consistency and distinctiveness from the other documents of the Pentateuch as well as its differences from much of the custom and practice both in early and later Israel, are all obvious. Not only in its Cardinal Law of the One Altar, with all the consequences of this, and in other laws peculiar to itself such as those of the King and Prophet, and in its expansions and modifications of earlier law, both written and consuetudinary, but also in its religious temper and general spirit of humanity, Deuteronomy evidently occupies a particular stage in the development of the religion of Israel. Can we mark any point in Israel's history, at which both the style and characteristic doctrines of the Book appeared as operative on the life and literature of the people? We are fortunate in having evidence in the Old Testament which enables us to fix that point with exactness. At the same time, in face of the structure of the Book—its divisions with their separate and independent titles—the question arises whether all of it appeared at once or whether some parts are not more original than others. That fact and this question will be dealt with in the next paragraphs.

[1] See Ryle's notes to *Genesis* (this series).

§ 4. *Deuteronomy and the Law-Book of Josiah.*

Neither in the primitive legislation of JE nor in the practice of their religion by early Israel is there a trace of the cardinal law of Deuteronomy, viz. that after Israel enters Canaan and the Lord gives them rest from their foes sacrifice to Him shall be confined to One Altar in *a place which He shall choose to cause His name to dwell there* (ch. xii.). And because there is to be only One Altar the tithes of the people's flocks and fruits must be taken to it, or if the way be too long to carry them there in kind they are to be turned into money (xiv. 22—27); the three annual feasts, Passover, Weeks, and Tabernacles, are to be celebrated there (xvi. 1—17); and cities of asylum are to be appointed for unintentional manslayers who are at too great a distance to flee to the Altar (iv. 41—43, xix. 1—13). In contrast to all this the laws of JE assume the validity of sacrifice to Jehovah at *every* place where He may *record His Name* and promise that in answer He will come there to bless His worshippers; while the fashion of altar the laws prescribe is one suitable to a multiplicity of rural sanctuaries (Ex. xx. 24 f.). And while they include no law as to tithes, they direct that the three annual feasts shall be celebrated at *a* sanctuary (Ex. xxiii. 14—17, xxxiv. 18—24) and, imply that asylum may be claimed at any altar (Ex. xxi. 12—14; cp. esp. *vv.* 13 f.)[1]. So too, after Israel's entrance into Canaan

[1] See Robertson Smith, *OTJC*, pp. 342—5, 353 f., and *Prophets of Israel*, 109 f., 393 f. (in reply to Prof. Green); also Driver's *Exodus* (in this series) on the JE laws cited above, and his *Deut.* pp. xliii f. and 136—138. In the *Problem of the Old Testament* (1905), p. 175 (cp. pp. 503 f.). Dr Orr offers to Robertson Smith's argument an answer, which however fails to meet both the facts of the O.T. texts and the contentions of the critics founded on them. He misses the force of the Heb. idiom in Ex. xx. 24 f., which indubitably implies a multiplicity of altars. He admits indeed (thus differing from Prof. Green) that Ex. xx. 24 f. covers the right of sacrifice at several altars *simultaneously* as well as at *successive* stations of Israel's central sanctuary. But when he emphasises that this right is limited by the clause *in every place where I record my name*, he fails to state that this is of course admitted by the critics whom he opposes. When he adds that there is nothing in the law of Exodus to conflict with Deuteronomy, he ignores the fact that Deut. confines not

the histories recount not only that the religious leaders of the people—prophets, priests and kings—sacrificed on many altars scattered over the land, some of which had been *high places* of the Canaanites, but also that Jehovah appeared there to the worshippers and blessed them. In Judah this sanctioned practice continued down to the building of the Temple, and even after this the high places were not destroyed—not even by pious kings as the deuteronomic editor of the histories is careful to point out. In N. Israel at least several sanctuaries to Jehovah were recognised by the authorities, and Elijah was bidden to build Him an altar on Carmel, upon the sacrifices at which a manifestation of His power descended in answer to prayer[1]. The prophets of the eighth and seventh centuries, indeed, strongly inveigh against Israel's worship on the high places, many features of which were fundamentally hostile to the prophetic conceptions of the spiritual nature of Jehovah. But the prophets do not appeal to any written law on the subject, and indeed two of them deny that Jehovah had given any ordinances in the wilderness concerning sacrifices[2]. Though there were earlier measures taken to destroy idols, and possibly even to concentrate the national worship in the Temple[3], and though the status of the Temple and its priesthood was constantly strengthened and their influence increased from King Asa's time onwards, yet the first recorded attempt to abolish the high places is that attributed to Hezekiah. The narrative here bears signs of being a later intrusion into the annals of this monarch[4]. But the temporary destruction of all high places in

only sacrifice but also the record of the Name of Jehovah to *one place*. Nor does he attempt to meet the force which the argument he opposes derives from the consequences of the law of the One Altar, viz. in Deuteronomy's laws on tithes, the three annual feasts and the cities of asylum—consequences of which the laws in JE show no trace.

[1] For details and references see below pp. 161 f.

[2] Jer. vii. 22; cp. Am. v. 25.

[3] As under Asa, *circa* 913—873 B.C., 1 Kgs xv. 9—15; see the present writer's *Jerusalem*, vol. II. 90 f.

[4] 2 Kgs xviii. 4; the grammar of the clause on the high places, pillars and 'Asherîm is late, and all these were still in use in the beginning of Josiah's reign, 60 or 70 years afterwards.

the country by the Assyrians[1], in contrast to the marvellous deliverance of Jerusalem in 701 and the inviolable sacredness with which the preaching of Isaiah had invested the Temple, renders such a reform by Hezekiah very possible and credible. Moreover the Rabshakeh imputes to Hezekiah the removal of the high places, 2 Kgs xviii. 22. That the reform was drastic is proved by the reaction it immediately provoked on Hezekiah's death. In any case the high places both within and beyond Jerusalem, and the impurities of the worship of Jehovah upon them, persisted during the reigns of Manasseh and Amon and into that of Josiah, as we learn from Jeremiah and Ezekiel[2].

But in the eighteenth year of Josiah, 621 or 620 B.C., a Book of the Law was discovered in the Temple, which being read to the King filled him with consternation, and by the King to the people moved them to initiate great reforms including not only the destruction of idols but the abolition of the high places[3]. The story has been doubted but on insufficient grounds[4]. The discovered Book is called *the*, or *a*, *Book of the Law* (*Tôrah*), xxii. 8, 11 and virtually so in xxiii. 24 f., and *the Book of the Covenant*, xxiii. 2, 21 (cp. *v.* 3, *the words of this covenant written in this book*). The former is the name Deuteronomy

[1] Cp. the terms used of this in 2 Kgs xviii. 33—35, xix. 11—13, 17—19 (= Is. xxxvi. 18—20, xxxvii. 11—13, 18—20) with the terms used in Deuteronomy, especially in chs. vii. and xii.

[2] Jer. ii. 20, iii. 6, 8, 13, 23, xvii. 1 f.; and Ezek. vi. 13, xviii. 5 f., xx. 28.

[3] 2 Kgs xxii. f. See below, pp. xciv ff.

[4] By a group of French writers, Havet, d'Eichthal, and Vernes, in answer to whom Steuernagel (*Deut.* p. x) quotes as conclusive an article by Piepenbring in which it is pointed out that the first deuteronomic edition of the Book of Kings, to which 2 Kgs xxii f. belongs, must be earlier than the Exile, probably about 600 B.C.—Stade and Schwally, *SBOT*, excise the following as of later origin: xxii. 6 f., 15—20 *a*, Huldah's oracle, xxiii. 5, 8 *b*, 10, 12 (last clause), 13—20, 26 f.; but other analyses (Kamphausen's and Steuernagel's) yield other results, and all are uncertain. Huldah's oracle may not be in its original form, but the fact that it predicts a peaceful death for Josiah, who fell at Megiddo in 612, is proof that part at least of its first contents has been preserved. Even after the said analyses, enough remains of the two chapters to support the argument above.

gives to itself; the latter agrees with the description of it in the title to one of its sections, *the words of the covenant...in Moab* (see above § 1) and with the character of its contents. But the main, and the irrefutable, proof, not merely of the similarity but of the identity of this Law-Book and of Deuteronomy—in whole or part—lies in the record of reforms which Josiah and his people were roused to carry out: the destruction of all idols and symbols including the pillars and 'Asherîm, and impure practices, whether connected with the worship of Jehovah or with that of other gods (cp. 2 Kgs xxiii. 4 f., 7, 10 f., 12 ff., 15 last clause, 19, 24 with Deut. xvii. 3, xii. 2 f., xvi. 21 f., xviii. 10 f., xxiii. 18 (17)); the abolition of all high places and the centralisation of the worship of Jehovah in one place (cp. 2 Kgs xxiii. 8, 13–15, 19 with Deut. xii.); the provision, consequently necessary for the priests of the disestablished rural sanctuaries, to *eat bread with their brethren* at Jerusalem (2 Kgs xxiii. 9 *b* with Deut. xviii. 8); and the new celebration of the Passover by *all the people* at Jerusalem—the first of the kind in the history of Israel (cp. 2 Kgs xxiii. 21–23 with Deut. xvi. 5 f.). Among the codes of Israel that of Deuteronomy is the only one which requires the execution of *all* these measures. The one point in which Josiah did not carry out the deuteronomic law was its direction that the disestablished priests should be allowed to minister at the One Altar (cp. 2 Kgs xxiii. 9 *a* with Deut. xviii. 7). That this exception is recorded does not subtract from but rather adds to the accumulation of evidence that the Law-Book discovered in the Temple 621–20 B.C. was not merely similar to, but identical with, at least the distinctive parts of Deuteronomy.

This conclusion, suggested as early as Jerome and Chrysostom[1], and recognised by Hobbes[2], was first made current in modern criticism by De Wette[3], and is now accepted almost universally[4].

[1] Jer. *Comm. in Ezek.* i. 1; Chrys. *Hom. in Matth.* ix.
[2] *Leviathan*, 200 f.: also the Law-Book = Deut. xii.—xxvii.
[3] *Beiträge*, 1806.
[4] See Wellhausen's *Prolegomena to the History of Israel*, 1878, English

Recent attempts to dispute it, whether from a conservative[1], or from an advanced standpoint, cannot be pronounced as reasonable. Some of the latter have already been mentioned; but a few words are necessary on another. Dr Kennett[2] argues for a date for Deuteronomy subsequent to the reign of Josiah mainly on the grounds that its language is dependent on Jeremiah's—but this is not proved and the converse is more probable—and that it contains exilic elements—but these, if they are really such, may be reckoned among the later additions to the Book. Dr Kennett's explanation of Josiah's consternation as due to some denunciations of sacrifice by one of the prophets does not suit the well-established fact that it was the reading of a *Book of the Law*, a *Book of the Covenant* which dismayed the King, and that it was denunciation not of sacrifice but only of certain forms of it to which the King's reforms correspond. Dr Kennett has then to account for Josiah's continuance of sacrifice at the Temple and does so by the fact that this was Josiah's own royal chapel—a reason that may be safely left to the judgement of the reader! Dr Kennett thinks that 'there is good reason for supposing that for some time neither the Jewish community in Babylon nor that in Egypt possessed any written law limiting sacrifice to one sanctuary'; that it was only Ezekiel's presence in Babylon which prevented the Jews from building a temple there, like the one their brethren built in Egypt; and that 'if we may suppose that the compact between southern Samaria (i.e. the district of which Bethel was the chief sanctuary) and Judah to make Jerusalem the one place of sacrifice for both districts dates from a time subsequent to Nebuchadnezzar's destruction of Jerusalem, the law of Deuteronomy which embodies and extends this compact must be placed still later.' This is not argument but a series of conjectures: and even if we were to accept these, we should still have to ask what then caused Josiah's consternation and what was the basis of his reforms?

translation 1885, pp. 27, 32—34; Robertson Smith's *OTJC*, 2nd ed. 256 ff., with his *Additional Answer to the Libel* (1878), pp. 78 ff.; and *Answer to the Amended Libel* (1879); Cornill, *Einleitung in d. A.T.* 1895, English translation of 5th ed. pp. 52 ff.; Cheyne, *Jeremiah: his Life and Times*, pp. 50 f.; Driver, *Deuteronomy*, 1895, pp. xliv ff.; Marti in Kautzsch's *Die Heilige Schrift des A.T.* 3rd ed. vol. I. p. 238: 'die Gründe hiefür sind so zwingend, dass eine andere Annahme ausgeschlossen ist'; Chapman, *Introduction to Pentateuch*, pp. 135—146; Orr, *Problem of Old Testament* (1909), p. 257: 'no reason to doubt that the book which called forth this reformation embraced if it did not entirely consist of the Book of Deuteronomy,' but he admits that the narrative in Kings generally does not require, though at points it suggests, more, e.g. xxiii. 21.

[1] Möller, *Are the Critics Right?* transl. by Irwin, 1903.

[2] 'The Date of Deuteronomy' in the *Journal of Theological Studies*, July, 1906; cp. p. 43 of *The Composition of the Book of Isaiah*.

§ 5. *Questions of Unity.*

But was the Law-Book discovered under Josiah the whole of Deuteronomy i.—xxx. or only part? The question is raised both by the record of his reforms which all find a sufficient motive within the Code xii.—xxvi., and by the structure of Deuteronomy itself. It is true (as we have seen) that the style and doctrine of chs. i.—xxx. are so distinctive and so uniform that it is natural to argue that they are a unity and from the same hand. The assertion has even been made that the evidence is 'overwhelming[1].' This, however, is extravagant.

So far from the evidence for their unity being 'overwhelming' chs i.—xxx. bear many marks both of expansion and of compilation. Not only do the main divisions--into Discourses and Code and Discourses again, each with its own independent heading or introduction (§ 2)—suggest the association of originally separate documents; but these main divisions also reveal as between themselves, not indeed differences of substance, but, in spite of their uniform style, some differences of diction. Further, *within* each division there are *prima facie* appearances of more than one hand. Not only are there archaeological notes[2] unsuitable in the mouth of the speaker and to his hortatory purpose and other obviously editorial expansions[3]; but sections, both large and small, differ from each other in the form of address used to Israel, some using the Singular *Thou* others the Plural *You* (hereafter styled Sg. and Pl.). This distinction of address might be ignored if it stood alone, but it is frequently coincident with differences in the phraseology used for the same subjects, in the themes treated and even in the standpoints from which the people and their past are regarded. Such distinctions emerge not only in each of the Discourses but in the Code as well, in which we find evidence of doublets, or variant laws on the same subject. Altogether there are enough of such

[1] Orr, *Problem of the Old Testament*, p. 253.
[2] E.g. ii. 10—12, 20—23, etc.
[3] E.g. i. 39, iv. 29—31, and clauses in xi. 10 f.; see § 9.

phenomena in the style and substance of the Book, if not to prove different authors and persons as in the case of the main documents of the Pentateuch, J, E, D and P[1], yet to suggest the possibility of the compilation of our Deuteronomy from different editions of the original. And that would be a solution of the question which would not (it may be pointed out) conflict with the distinctive and impressive uniformity of the style throughout.

With this evidence from the Book itself, some general considerations have to be kept in mind. Oneness of motive, of doctrine, of temper, or even of style, does not of itself prove oneness of authorship[2]. This is most necessary to remember in the case of such a style as the deuteronomic. As we see from the admitted editorial expansions within the Book as well as from the influence it exerted on the subsequent literature of Israel the deuteronomic style is a most imitable and even infectious fashion of writing. Granted the same religious motives and tempers in the same political and spiritual circumstance, it is at least as conceivable that Deuteronomy i.—xxx. was the work of a school of writers in the same or successive periods, as that it was the work of an individual author. That is a possibility which we cannot ignore in view of the Book's own evidences of compilation.

Such are the questions which arise regarding the unity of Deuteronomy i.—xxx. They fall into two classes, fairly coincident with the two main stages in the history of the modern criticism of the Book. *First* there are the questions of the relations of the main divisions of the Book to each other—the Code, and the Introductory and Concluding Discourses with their separate headings; and *Second* there are the questions raised by the cross-divisions of the Book, which run through all the main divisions, especially the distinction between Sg. and Pl. forms of address, which is sometimes coincident with differences of phraseology and of subject.

[1] See Chapman, *I.P. passim*.

[2] Cp. Bagehot, *Physics and Politics* (1883), pp. 32—36, 88—90, on the rise and prevalence in a particular age or school of a uniform style.

§ 6. *The Relations to Each Other of the Main Divisions—The Code and the Discourses.*

The earlier controversy upon the unity of Deuteronomy i.—xxx. was concerned with the relations, to the Code (xii.—xxvi.) and to each other, of the two Introductory Discourses (i.—iv. 40 and v. –xi.) and the Closing Discourses (xxviii.—xxx.; xxvii. raises questions of its own and will be treated later). Except for certain admitted expansions the Code was regarded as original; that is, the Law-Book discovered and enforced in the reign of Josiah contained at least the Code. Some critics argued that the Law-Book consisted only of the Code without any introduction, not even chs. v.—xi. which they assigned to a later writer[1]. Their principal reasons for this are that the author of chs. v.—xi. implies that *the statutes and judgements* of the Code were already before him in writing—witness e.g. the perfect tense *hath commanded you* as in v. 32 and the setting before the people in xi. 26 ff. of a blessing and a curse for keeping or transgressing commandments not yet given to them; and that chs. v.—xi. form far too long an introduction to the Code for its author himself to make[2]. But neither of these is a sound reason. Such perfects as we find in v. 32 imply only that the speaker had already received from God the laws he was about to communicate

[1] Valeton, *Studien*, VI. 1880, pp. 157 ff. (not seen); Wellhausen, *Jahrbücher für deutsche Theologie*, XXII. 187, 458 ff. and *Comp. des Hexateuchs*, 1885, pp. 191–3; Stade, *Gesch. des Volkes Israel*, I. 1881, pp. 61 f. More recently Cornill in the 5th ed. of his *Einleitung in das A. T.* 1906 (translated by G. H. Box, 1907) and Marti in Kautzsch's *Die Heil. Schrift des A. T.* 3rd ed. 1909, vol. I. p. 239, both take the Code as the 'Urdeuteronomium,' and the two preceding discourses as introductions to separate editions of it. Cornill (English translation, p. 60) says: 'I too feel bound to hold fast unreservedly to the opinion that chs. v.—xi. cannot have been the indispensable introduction to D from the very first, because in that case the origin of chs. i.—iv. remains inexplicable; the problem how to account for the juxtaposition of chs. i.—iv. and v.—xi. can only be solved on the hypothesis of two distinct and separate editions of D which form the basis of the present Deuteronomy.'

[2] Cp. Wellhausen, p. 192.

to the people, which was the case with Moses; neither they nor anything else suggest more than that the author had completed his Code before he wrote his introduction to it, which is very probable[1] and if true does not render the introduction less original than the Code. As for the great length of the introduction between the intimation at its outset that Moses is about to set *the law* or *the statutes and judgements* before Israel (v. 1; cp. iv. 44), and the point at which he actually reaches these, (xii. 1) two things must be kept in mind: that the introduction, especially from vi. 1 onwards, is itself an *exposition* (see note on i. 5), if not of the Law yet of the principles underlying it; and that the long historical section, ix. 8—x. 8 or 11 may not have been original to the introduction[2]. Besides, it is very probable, if not certain, that a Code enjoining such drastic changes in the religious life of the people had some introduction explaining the principles on which it was based. Nor are there any discrepancies in substance between the Code and chs. v.—xi. It is true that in the latter there is no allusion to the cardinal law of the Code, but (as we have seen) that law is but the practical corollary, in the peculiar circumstances of the seventh century, of the principles which those chapters enforce: the uniqueness of the God of Israel and the exclusion from all association with His worship of the practices prevalent in the worship of other gods. Nor are there differences of language between the Code and chs. i.—xi. nearly sufficient to suggest different authors or dates of origin. It is true that many of the laws as stated in the Code are devoid of the usual formulas and other marks of the deuteronomic style with which chs. v.—xi. are replete; and true also that the Code contains a certain number of terms not found elsewhere in Deuteronomy nor in the deuteronomic passages of the rest of the Old Testament. But this is to be explained by the fact that the Code incorporates laws, and perhaps even groups of laws, from previous collections[3], and that in the exposition of principles, of which chs. v.—xi. consist, there was no occasion for

[1] But see below pp. xcvi f., on Cullen's theory.
[2] See below pp. lxiii ff.
[3] See below pp. lxv ff.

the use either of purely juridical terms, suitable to the statutes themselves, or of names of things or actions relevant only to the subjects of particular statutes. Nor is it without significance that it is precisely in the laws original to the Code—that of the One Altar and those which follow from it—that the deuteronomic formulas chiefly occur and that the language generally shows close affinity to that of chs. v.—xi.

It is unnecessary to catalogue the many deuteronomic formulas and terms found both in chs. v.—xi. and in the Code, but a list of such of them and of other expressions as are found *only* in these two divisions and not elsewhere in Deuteronomy and some of them even not elsewhere in the O.T. may be given here as illustrating the very close affinity, if not unity, of authorship:—*to love God* vi. 5, vii. 9, x. 12, xi. 1, 13, 22 with xiii. 3, xix. 9; *to serve* or *go after other gods* vi. 14, vii. 4, viii. 19, xi. 16, 28 with xiii. 2, 6, 13, xvii. 3 (cp. xviii. 20); *observe to do* v. 1, 32, vi. 3, 25, vii. 11, viii. 1, xi. 22, 32 with xii. 32, xv. 5, xvii. 10, xxiv. 8 and thrice in xxviii.; *eat and be full* vi. 11, viii. 10, 12, xi. 15 with xiv. 29, xxvi. 12 (and in later writings sporadically); *house of bondmen* (Egypt) v. 6, vi. 12, vii. 8, viii. 14 with xiii. 5, 10 and nowhere else in Deuteronomy (but cp. Ex. xiii. 3, 14 JE); *remember thou wast a bondman*, etc. v. 15 with xv. 15, xvi. 12, xxiv. 18, 22 and nowhere else in Deuteronomy (cp. Ex. xiii. 3, 14 JE); the Hiphil *he 'ĕrîk* used intransitively, *to be long*, v. 16, vi. 2 with xxv. 15, elsewhere only Ex. xx. 12; *that it be well with thee* v. 16, 29, vi. 3, 18 with xii. 25, 28, xxii. 7 (elsewhere in Deuteronomy only iv. 40), cp. the variant in v. 33, xix. 13; *'am s'gullah = a peculiar people* vii. 6 with [xiv. 2], xxvi. 18 and nowhere else; *'am kadosh = a holy people* vii. 6 with [xiv. 2], 21, xxvi. 19 and xxviii. 9, nowhere else; *hashak b'*, *he set his love on* of God vii. 7, x. 15 with xxi. 11, of man, not elsewhere in Deuteronomy; *padah = redeem* vii. 8, ix. 26 with xiii. 5, xv. 15, xvi. 8, xxiv. 18, not elsewhere in the Hexateuch: *thy corn, new wine, and oil* vii. 13, xi. 14 with xii. 17, xiv. 23, xviii. 4 and xxviii. 51; *thine eye shall not pity him* or *them* vii. 16 with xiii. 8, xix. 13, 21, xxv. 12 (often in Ezek., cp. Gen. xlv. 20, Is. xiii. 18); *thou canst not* in the very rare sense *thou mayest not* vii. 22 with xii. 17, xvi. 5, xvii. 15, xxi. 16, xxii 3, 19, 29, xxiv, 4, 'almost confined to Deuteronomy' (Driver), cp. Gen. xliii. 32; *an abomination of* (=*to*) *Jehovah* vii. 25 with xii. 31, xvii. 1, xviii. 12, xxii. 5, xxiii. 18, xxv. 16; *to walk in the ways of Jehovah* viii. 6, x. 12, xi. 22 with xix. 9, xxvi. 17 and xxviii. 9, xxx. 16, also deuteronomic passages in Joshua and Kings; *hetĕb* used adverbially ix. 21 with xiii. 14, xvii. 4, xix. 18, elsewhere only xxvii. 8, 2 Kgs xi. 8. Note in addition the use of *kahal = assembly* for the gathering of the people at Horeb v. 22, ix. 10, x. 4 with xviii. 16 (cp. xxiii. 1, 2, 3, 8); *assembly of Jehovah* in contrast to P's use of *'edah* (see note to v. 22). These particular parallels (along with many others) between chs. v.—xi. and

the Code expose the groundlessness of the hypothesis by which Wellhausen in defence of his theory of diverse authorship attempts to explain the presence of deuteronomic elements in the Code, viz. that the later author to whom he assigns chs. v.—xi. furnished the Code with echoes of v.—xi. when he prefixed these as his introduction to it (*Comp.* p. 193).

The rare words and phrases, which are either peculiar to the Code or, if they occur once or twice in other parts of the O.T., are not found in chs. v.—xi. are the following; and in nearly every case their presence in the Code and absence from the Discourse introducing it is explicable on grounds perfectly compatible with the theory that the compiler of the Code and the writer of this introduction to it were one and the same. For some are juridical terms proper to what are technically laws, but not to be expected in the exposition of the principles on which these laws are based; e.g. *mishpaṭ-maweth* or *heṭ'-maweth* = *case of death, capital crime*, xix. 6, xxi. 22, xxii. 26, perhaps also the phrase *and it be a sin in thee* xv. 9, xxiii. 21 f., xxiv. 15, nowhere else; and *'ălîloth dᵉbarim* = *wanton* or *unfounded charges* xxii. 14, 17. Others again are relevant *only* to the subjects of the particular laws in which they occur: *the place which Jehovah your God shall choose to cause His Name to dwell there* xii. 5 (see note); *ye shall eat before Jehovah your God* xii. 7, 18, xiv. 23, 26, xv. 20; *ye shall rejoice before Jehovah thy God* xii. 12, xvi. 11, cp. xii. 7, xvi. 14, etc.; and so too *hith'ammer* = *to treat as a chattel* xxi. 14, xxiv. 7, nowhere else; *he'ĕnik.* = *to equip* xv. 14, only here; *sons of Belial* xiii. 13 and *a thing* or *word of Belial* xv. 9, nowhere else in the Hexateuch; the *nakedness of a thing*, an idiom both for what is physically shameful xxiii. 14, and for what is morally so xxiv. 1; *the month of 'Ābîb*, xvi. 1; and of course *ma'ăkeh* = *battlement* xxii. 8, *gᵉdîlîm* = *fringes* xxii. 12, *mamzer* = *bastard* xxiii. 3 (elsewhere only in Zech. ix. 6), *ḳaṭaph* = *pluck*, *mᵉlîloth* = *fresh ears*, *hermesh* = *sickle* xxiii. 25, cp. xvi. 9 and *mᵉbushîm* xxv. 11; also *niddaḥ* = *let drive at* xix. 5, xx. 19. Others again appear to have been taken over, with the rest of the text of the laws in which they stand, from earlier codes. This is certain in the case of *zakur* = *male* xvi. 16, word for word an earlier law (Ex. xxiii. 17, E) xx. 13. It is very probable with the following: the fem. form *na'ărah* xxii. 19 (in the Pentateuch only here, the masc. *na'ar* being used elsewhere for both male and female, 8 times in Genesis and 13 in Deuteronomy); *ṣarah* = *defection* xiii. 5, xix. 16 (from *ṣur*, see below, p. lv); and *'abaṭ* = *to give a pledge* xv. 6, xxiv. 10, with its Hiphil = *to cause to give*, i.e. *take a pledge* xv. 6, 8, and *'abôṭ* = *pledge* xxiv. 10—13 (none of these elsewhere in the O.T., but cp. the pl. *'ăbaṭim* in Hab. ii. 6), technical commercial terms, probably borrowed from the Aramaic (Wellhausen, *Kleine Propheten*, p. 207). And the same explanation is also possible for *mishlaḥ yad* = *what thou puttest thine hand to* xii. 7, 18, xv. 10, xxiii. 21 and xxviii. 8, 20; and *burn out the evil from the midst of thee*, see note on xiii. 5.

Since the connection of ch. xxviii. is concerned in this question of the unity of the Code and chs. v.—xi. the points have been noted above at

which it also shares the terms that are common to them. Others may now be added which it shares with *either* the Code or chs. v.—xi.; evil diseases of Egypt, vii. 15, xxviii. 60 and nowhere else; the '*ashtoreths*, i.e. the *young* (? or the *ewes*) *of thy flock* vii. 13, xxviii. 4, 18, 51; *sh*^{e}*gar 'ălaphheka = increase of thy kine* vii. 13, xxviii. 4, 18, 51 (cp. Ex. xiii. 12 J, *sh*^{e}*gar b*^{e}*hemah*); the form *yagôr = to tremble* ix. 19, xxviii. 60; and *tene' = basket* xxvi. 2, 4, xxviii. 5. 17, nowhere else[1].

It is clear from the above that ch. xxviii. shares many of the resemblances and affinities between the style of chs. v.—xi. and that of the Code. Because of this; because it is probable that like the earlier code of E the deuteronomic Code had an Epilogue; and because the stern curses which ch. xxviii. pronounces on disobedience to the Laws fully account for Josiah's consternation when the Law-book was read to him, ch. xxviii. has been reasonably taken by most as also part of the original Deuteronomy. And the undoubted differences in phraseology between it and chs. v.—xxvi. have been explained as due to the difference of purpose governing ch. xxviii. or to later additions to its original form.

This then became the most generally accepted result of the *earlier* stage of the controversy upon the relations to each other of the Code, chs. xii.—xxvi., the immediately preceding Introduction to it, chs. v.—xi., and the Epilogue, ch. xxviii., viz. that they are from the same hand and time and substantially the Book of the Law or Covenant discovered in the Temple under Josiah[2]. Driver may be quoted: 'chs. v.—xxvi. may thus be

[1] In the small print above the references to chs. xiii. and xxiii. are given according to the numbering of the verses in our English Versions.

[2] So virtually Kuenen, *Hexateuch* (1886, English translation of part of his *History of Critical Inquiry into the Origin of the Books of the Bible*), 1881; Dillmann, *Nu.-Deut.-Jos.*, 1885, pp. 261 ff.; Westphal, *Les Sources du Pentateuque*, II. 1892, pp. 105 ff.; Kittel, *Geschichte der Hebräer*, I. 1888, pp. 44 ff., on the ground that the situation throughout v.—xxvi. is the same, and that the agreement of the language is so great that a difference of authors would constitute a new problem, whose solution must develop into incomparably greater difficulties than those which beset the supposition of the unity of the author; also as against Kuenen Kittel thinks v.—xi. were composed at the same time as xii.—xxvi.; Oettli, *Deut., Jos., Richter* (*Kurzgefasstes Kommentar*), 1893; Driver, *Deuteronomy*, 1895, pp. lxv—lxvii; compare Moore, *E.B.* 1899,

concluded, without hesitation, to be the work of a single author': and ch. xxviii. 'may be included without serious misgivings.' Some, however, of the critics of the *later* stage of the discussion deduct ch. v. as forming a separate discourse and the historical section ix. 8—x. 11 as disturbing the connection between the hortatory sections, vi.—ix. 7 and x. 12—xi.[1] These we shall consider later[2].

There has been much greater difference of opinion on the First Introductory Discourse i. 6—iv. 40, and the question of its relations to the Second Discourse and the Code v.—xxvi. The question is complicated by the fact that, like the Second, the First Discourse consists both of a historical and a hortatory part, i. 6—iii. 29 and iv. 1—40.

The *general* doctrine and style of the two Introductory Discourses are undoubtedly the same (§ 2) and that in spite of the fact that narrative forms the bulk of the First while in the Second the reverse is the case. The same purpose is expressed by the First as by the Second, *to expound the Law* (i. 5 see note), *to teach the statutes and the judgements* of the Code (iv. 1, 5, 8, 14, 40 with iv. 44, v. 1, 31, vi. 1, xi. 32, xii. 1, xxvi. 16); and there are not only the same urgency and spiritual thoroughness (as contrasted with its sources, see notes to i. 16 f., 41, iv. 9, 29, 39), but the same directions of religious and ethical emphasis, e.g. God's love to Israel (iv. 37 with vii. 8, 13, x. 15, 18, [xxiii. 5] and not elsewhere in the Hexateuch), His choice (iv. 37 with vii. 6, 7, x. 15, xiv. 2) and tender care of them (i. 31, ii. 7, iv. 7, 34 with viii. 2—5, xi. 2), their consequent duty to trust, fear and obey only Him (i. 21, 29, iii. 22, iv. 10 with v. 29, 32, vi. 2, 13, 24 f., etc., but the Second Discourse alone enforces Israel's *love* to God) and the guilt of unbelief, forgetfulness and disobedience (i. 26 ff., 32, iv. 9 with the frequent commands *to remember* and *not to forget* in vi.—xi.) especially in

col. 1081, 'nothing indicates diversity of origin'; Ryle, Hastings' *D.B.* i. p. 598; Bertholet, *Deut.* (*Kurzer Hd. Comntr.*), 1899, pp. xx f.; Robinson, *Deuteronomy, Joshua* (Century Bible), p. 13.

[1] E.g. Bertholet and Robinson. [2] § 7.

going after other gods and worshipping images (iv. 3, 16—19, 25 with v. 7—10, vi. 14, vii. 5, viii. 19, ix. 12, 16) for He is the one and only God (iii. 24, iv. 35, 39 with vi. 4, etc.) and intolerant of the worship of others (ii. 34, iii. 6 *ḥerem*, iv. 24 and v. 9, vi. 15, vii. 4, etc.); compare also the initiative and responsibility of the whole people as distinct from their leaders (i. 9—18, 37 with xv. 18, 20), the duty of caring for the helpless and the stranger (see note to i. 16) and of instructing the young (iv. 9 f. with vi. 7, 20, xi. 19)[1]. And all this is expressed in the same style; chs. i.—iv. 40 have the same distinctive prose rhythm with preference for sonorous forms, accumulation of epithets (especially those signifying greatness), love of hyperbole (i. 10, 28, cp. ix. 1, ii. 25, iv. 11), and repetition.

But the likeness of the First Discourse to the Second is not only general. It extends to the frequent use of the characteristic deuteronomic formulas, single words, and even terms of syntax. There is an impressive agreement in details as well as in the main lines and in the spirit of the doctrine and style.

These details have virtually all been marked in the notes, but the question of unity between chs. i.—iv. and v.—xxvi. is so important that it is well to gather the details together here. (*a*) Both the Discourses and the Code have place-names characteristic of Deuteronomy, e.g., *Ḥoreb* as in E for J's and P's *Sinai* (i. 6, 19, iv. 10, 15 with v. 2, ix. 8, xviii. 16, [xxix. 1]), *Ḳadesh-Barnea* (i. 19, ii. 14 with ix. 23), *Pisgah* for P's Nebo (iii. 17, 27, iv. 49).

(*b*) Characteristic formulas, for the most part not found outside Deuteronomy and deuteronomic passages elsewhere, but common to i.—iv. 40 and v.—xxvi., xxviii.—xxx. :—e.g. *Jehovah our* or *thy* or *your God*, see note on i. 6; *the God of our, thy* or *your fathers*, i. 11, 21, iv. 1 with vi. 3, xii. 1, xxvi. 7; God's oath to the Patriarchs, i. 8, 35, iv. 31 with vi. 10, 18, 23, vii. 8, 12 f., and further frequently, even in xxviii. 11; *set*, or *deliver up, before you the land* or *the foe*, i. 8, 21, ii. 31, 33, 36 with vii. 2, 23, xxiii. 15, xxviii. 7, 25; *the land* (etc.) *which Jehovah, our, thy* or *your God, is about to give us, thee*, or *you*, i. 20, 25, ii. 29, iii. 20, iv. 1, 40 with v. 16 and very many other instances throughout v.—xi. and the Code; the same with various additions, e.g. *for an inheritance* iv. 21, 38 with xix. 3, 10, xx. 16, xxi. 23, xxiv. 4, xxv. 19, xxvi. 1, or *to possess it* iii. 18 with v. 31, ix. 6, xii. 1, xix. 2, 14, xxi. 1, cp. xv. 4,

[1] Like the Second Discourse the First does not mention the Code's Central-Law of the One Altar.

xxv. 19, 31 (some of the foregoing verses read *have given* for *about to give*); *the good land*, i. 35, iii. 25, iv. 21 f. with vi. 18, viii. 10, ix. 6; the phrase *would not*, i. 26, ii. 30 with x. 10, xxiii. 5, xxv. 7, xxix. 20; *deliver into the hand of*, i. 27 (see note), ii. 24, 30, iii. 2 f. with vii. 24, xix. 12, xx. 13, xxi. 10; *destroy*, *surely destroy* or *destroyed*, i. 27, ii. 12, 21—23, iv. 3, 26 with vi. 15, vii. 4, 23 f., ix. 3, 8, 14, 19 f., 25, xii. 2, 30, xxviii. 20, 24, 45, 48, 51, 61, 63—as against only 5 or 6 times elsewhere in the Hexateuch; *cause to inherit*, i. 38 and iii. 28 of Joshua with xii. 10, xix. 3 of God and xxxi. 7, Josh. i. 6, of Joshua, elsewhere only in Jer., Ezek. and later writers, P having another form; *take* (*good*) *heed to thyself* or *yourselves*, ii. 4, iv. 9 f., *thy soul*, 15, 23 with vi. 12, viii. 11, xi. 16, xii. 13, 19, 30, xv. 9; *Jehovah hath blessed thee in all the work of thy hand* or *hands*, ii. 7 with xiv. 29, xvi. 15, xxiv. 19, xxviii. 12, cp. i. 11, xv. 10, 18, xxiii. 20; *thy greatness and thy strong hand*, iii. 24, iv. 34, *strong hand and stretched out arm*, with v. 15 and vii. 19 as in iv. 34, v. 24 *glory and greatness*, vi. 21 and vii. 8 *strong hand* alone, ix. 26 *greatness...and...strong hand*, 29 *great power and stretched out arm*, xi. 2 *greatness, strong hand and stretched out arm*, xxvi, 8 as in iv. 34; *as at this day*, ii. 30, see note, iv. 38 with vi. 24, viii. 18, x. 15, xxix. 28; the frequent alternatives *to pass over*, *go over*, *come in* or simply *go* generally followed by *the Jordan* or *to possess*, i. 8, iii. 18, 21, iv. 1, 5, 14, 22, 26 with vi. 1, vii. 1, ix. 1, x. 11, xi. 8, 10 f., 29, 31, xii. 10, 29 (*nations* for *land*), xvii. 14, xviii. 9, xxiii. 20, xxvi. 1, xxx. 16, 18[1]; *fear* and *learn to fear* God, iv. 10 with v. 29, vi. 2, 24, viii. 6, x. 12, xiv. 23, xvii. 19, xxviii. 58; *observe and do*, iv. 6 with vii. 12, xvi. 12, xxiii. 23, xxiv. 8, xxvi. 16, xxviii. 13—the variant form *observe to do* (see p. xvi) does not occur in i.—iv. but frequently in v.—xxvi., xxviii.; *prolong days*, iv. 26 see note, 40 with v. 33, xi. 9, xvii. 20, xxii. 7, xxx. 18, cp. the intransitive use v. 16, vi. 2, xxv. 15 (see p. xlix), not elsewhere in Pentateuch except Ex. xx. 12, a deuteronomic clause; *and thou shalt know*, iv. 39 with vii. 9, viii. 5, ix. 3, 6, xi. 2.

(*c*) Besides those frequent formulas the First Discourse, i. 6—iv. 40, has in common with chs. v.—xxvi. a number of other phrases and single terms equally distinctive of Deuteronomy but less frequent:—*'êkah* = *how*, emphatic form, i. 12 see note, with vii. 17, xii. 30, xviii. 21; *shebet* = *tribe*, i. 13 see note, 15, 23 with xii 5, 14, etc., etc.; *respect persons*, i. 17 with xvi. 19, not elsewhere in Pentateuch; *gur* = *fear* very rare in prose, i. 17 with xviii. 22; *because of Jehovah's hating us*, i. 27 with ix. 28; *made our heart to melt*, i. 28 with xx. 8, not elsewhere in Hexateuch except for deuteronomic passages in Joshua; *'aras* = *to fear*, i. 29 with vii. 21, xx. 3, very rare in prose; the participial construction, *The Goer before you*, i. 33 with xx. 4, xxxi. 6, 8; *yiksoph* = *was wroth* of God, i. 34 with ix. 19, but also twice in P; *which he hath trodden upon*, a vivid substitute for *into which he went*, i. 36, with xi. 24 f., but also in JE, Nu. xiv. 24; *hith'annaph* = *was angry*, i. 37, iv. 21, with ix. 8, 20,

[1] Note the correct distinction from these terms of the command to Israel while still in the southern wilderness, *go up*, *possess*, i. 21.

nowhere else in Pentateuch; *were presumptuous*, i. 43 with xvii. 2, xviii. 20; *sur* = *to turn* for *nâṭah* (of Nu. xx. 17), ii. 27 with v. 32 (29), xvii. 11, 20, xxviii. 14; the frequent use of the qualifying conjunction *rak* = *only, but*, etc., ii. 28, 35, 37, iii. 11, 19, iv. 6, 9 with x. 15 (see note), xii. 15 f., 23, 26, xv. 5, 23, xvii 16, xx. 14, 20, xxviii. 13, 33 (some of these however are editorial); *sons of Israel* = its males, as distinct from the usual deuteronomic expression *all Israel*, iii. 18 (see note) with xxiii. 17, xxiv. 7; *until Jehovah give rest*, iii. 20 (see note) with xii. 10, xxv. 19; *ye shall not add...nor diminish...*, iv. 2 with xii 32; *to cleave unto Jehovah*, iv. 4 with x. 20, xi. 22, xiii. 4, xxx. 20, with God nowhere else in Pentateuch; *out of the midst of the fire*, iv. 12, 15, 33, 36 with v. 4, 22, 24, 26, ix. 10, x. 4; *let thyself be drawn away*, iv. 19 with xxx. 4, 17, cp. the active form of the verb in xiii. 5, 10, 13.

In contrast to this impressive array of features of style and language, both general and particular, which are common to chs. i.—iv. 40 and chs. v.—xxvi., xxviii.—xxx., the linguistic peculiarities which i.—iv. 40 present and which are not found in v.—xxvi., xxviii.—xxx. are very few.

These have also been pointed out in the notes. After deduction of the place-names peculiar to i.—iii., which are not relevant to the themes treated in v.—xxvi., xxviii.—xxx., they amount to the following: *ṭorah* = *weight*, i. 12, not elsewhere in the O.T.; *ragan* = *murmur*, i. 27, not elsewhere in the Pentateuch; *zûlathi* = *save*, i. 36, iv. 12, not elsewhere in Pentateuch; *tahînu* = *deemed it a light thing*, i. 41, not elsewhere in the O.T.; *he'ĕzin* = *gave ear*, i. 45, and in prose of Hexateuch elsewhere only in Ex. xv. 26 (deuteronomic); *y^erushah* = *possession*, ii. 5, 9 twice, 12, 19 twice, iii. 20; *hithgarah* = *contend with*, ii. 5, 9, 19, 24; *sagh^ebhah* = *be high*, ii. 36 in prose only here and elsewhere only in Job v. 11; *hithḥannen* = *beseech*, iii. 23, with God as object only here in Pentateuch, *to beseech man* E, Gen. xlii. 21; *hith'abber* = *to be enraged*, iii. 26; *leb* = *heart*, iv. 11 for the longer *lebab* elsewhere in Deuteronomy; *kur habbarzel* = *iron furnace*, iv. 20, not elsewhere in Pentateuch; *'am nahălah* = *people of inheritance*, iv. 20, instead of the usual deuteronomic *peculiar people*. There is also in iv. 16 -32 a group of words characteristic of Ezekiel and P, and not found elsewhere in Deuteronomy:—*semel* = *figure* 16, *male and female* 17, *tabnîth* = *build, likeness* 17 f., *romes* = *that creepeth* 18, *holîdh* = *beget* 25 (cp. xxviii. 1), *nôshen* = *grow old, stale* 25, and *bara' 'elohim* = *God created* 32; to which may be added *tûr* = *explore* i. 33, only here and in P for the deuteronomic *ḥaphar*, i. 22, Jos. ii. 2 f., and JE's *see*.

Some of these may at once be put aside. Surely an author might once use the figure *an iron furnace* without losing his identity! The figure, as we shall see, begins to appear in the O.T. from about the date of Deuteronomy onwards. Again the shorter form *leb* is 'generally used by preference in the metaphorical sense of iv. 11' (Driver) and

besides the longer *lebab* occurs several times in i.—iv. (ii. 30, iv. 9, 29, 39) just as throughout the rest of Deuteronomy. Again *'am nahălah, people of inheritance*, closely resembles its equivalents in v.—xxvi. etc., especially *thy people* and *thine inheritance*, ix. 29. Little can be inferred from the use of ἅπαξ λεγόμενα like *ṭorah* and *tahînu*, most writings have one or two; and *ragan* and *he'ĕzin* may be ignored as marks of difference in view of the general tendency of the deuteronomic style to employ rare poetic words for commoner ones. That leaves us with not more than 5 or 6 terms for which the rest of Deuteronomy employs others, surely *by themselves* an insufficient basis for a theory of dual authorship, especially when they are so greatly outnumbered by the characteristic deuteronomic phrases, which we have just seen that chs. i.—iv. have in common with chs. v.—xxvi., xxviii.—xxx. The group of terms characteristic of P are more puzzling, and will be dealt with later; note in the meantime that with the exception of *tûr* they are confined to one section iv. 16—32 of the hortatory part of the First Discourse.

Nor can more weight be attached to the alleged discrepancies of fact between the First Discourse i. 6—iv. 40 and chs. v.—xxvi.[1] They are only *three* and each of them is susceptible of a reasonable explanation.

The alleged discrepancies and the explanations of them are: (*a*) It is said that in chs. i.—iii. the name *Amorite* is employed, as in E, in a general sense for all the peoples encountered by Israel in Palestine, in i. 7, 19, 20, 27, 44 for those W. of Jordan and in iii. 2, 8, 9 for others in E. Palestine; while in vii. 1, xx. 17, as in J, the *Amorite* is but one of the *seven* nations occupying the Promised Land before the coming of Israel. If this interpretation of *Amorite* in i.—iii. be correct, we may explain the difference of meaning from that in vii. 1 and xx. 7 as follows. It would be natural for the same author, when writing narrative to employ Amorite generally (especially as his narrative is mainly based on E, which so employs the name), but when he came to exhortation and his particular purpose was to forbid *all* heathen rites, it would be appropriate for him to give an exhaustive list of the particular nations who practised there. Yet it is not clear that the writer of the narrative in chs. i.—iii. uses the name in so general a sense as is alleged. For even in W. Palestine he speaks of the *Amorites* only as in *the hill country* ch. i. and even once mentions along with them the *Canaanites* of *the sea shore*; cp. xi. 30. (*b*). In ii. 14 Moses is made to say that *all the generation of the men of war* in Israel were consumed in the wilderness by the time Israel crossed the brook Zered, thirty-eight years after leaving Horeb; while the Second Discourse, in v. 2—5, etc. and xi. 2—7, represents him as explicitly addressing in Moab the same Israel which had taken part in the covenant at Horeb and *had seen with their own eyes*

[1] This against Moore, *E. B.* 1087.

the events there and throughout the journey from Egypt to the Promised Land. Cornill (*Introd.* Eng. Tr. p. 59) calls this difference 'insoluble.' But this difference is one not of *fact* but of *purpose*. For ii. 14 belongs to the narrative part of the First Discourse where the purpose is to relate fact; while v. 2 and xi. 2—7 belong to a more hortatory part of the Second Discourse in which Israel is suitably treated as a moral whole, and the particular purpose of v. 2 is to distinguish the generation under Moses with the covenants they received at Horeb and in Moab from their forefathers before the Egyptian servitude and the Covenant God had made with them. Besides even the First Discourse, when it becomes hortatory in iv. 1—40, also assumes the moral unity of Israel throughout the wilderness wanderings:—iv. 10, *the day thou stoodest before Jehovah thy God in Horeb*, and so down to *v.* 15; *v.* 23, *the covenant...which he made with you*; *v.* 33, *God speaking out of the midst of the fire, as thou hast heard*; *v.* 34, *all that Jehovah your God did for you in Egypt before your eyes*: *v.* 36, *he made thee to hear his voice and thou heardest his words out of the fire*. This conception of Israel, as throughout many generations the same Israel, appears in all the hortatory discourses, even when the speaker forecasts the nation's far future, e.g. iv. 25, *when...ye shall have been long in the land*, and iv. 27—31 in the time of exile; cp. vi. 20—25, xxvi. 3—9, and xxviii. throughout; indeed this conception of a moral unity persists in the same passages which threaten deaths innumerable, e.g. xxviii. 62 ff. But it is needless to multiply examples. The same speaker who has in narrative, as in ii. 14, emphasised the destruction of one generation for their sins may in exhortation equally emphasise the identity of Israel throughout successive generations. Moreover even the narrative portion of the First Discourse tends to assume, though less explicitly, Israel's sameness throughout, i. 9, 19, 20, 22, 26, 46. (*c*) In ii. 29 the *Moabites*, along with *the children of Esau*, are represented as having *sold food and water* to Israel, while xxiii. 4*a* states as a reason for excluding *an Ammonite and a Moabite* from the Assembly of Jehovah (*v.* 3), that *they met you not with bread and water in the way when ye came forth out of Egypt*. But as there are signs of xxiii. 4*a* being a later addition to the text (see notes to xxiii. 3—6) it is not certain that this discrepancy is due to the original author or authors of Deuteronomy. In any case this is the only real discrepancy between i.—iv. and v.—xxvi, as these chapters now stand. For the description of the *herem* or *ban* upon Sihon and 'Og, ii. 34 ff., and iii. 6 f.—though it agrees exactly neither with the treatment of the seven nations of Palestine, enjoined in vii. 2, 25 f. nor with that of distant enemies enjoined in xx. 10 ff., but combines features of both (see note on ii. 34)—falls before the period for which the Law was designed.

We are thus left *first* with a great array of features of style, language and doctrine, both general and particular, which are common to the First Discourse chs. i.—iv., and to chs. v.—xxvi., xxviii.—xxx.; *second* with no real discrepancy of fact between the

two divisions; and *third* (if we except the group of words characteristic of Ezekiel and P which all occur in the section iv. 16—32) there are only some 5 or 6 terms peculiar to i.—iv. for which others are found in v.—xxvi., xxviii.—xxx. That is a very slender basis on which to argue for a different authorship for the First Discourse from v.—xxvi. etc.; and we can hardly think that the argument would have been maintained, but for the facts that the two Introductory Discourses i. 6—iv. 40, and v.—xi. have each of them a title of its own, i. 5 and iv. 44—49, and that the First Discourse is further separated from the Second by the historical fragment on the Cities of Refuge, iv. 41—43. The two titles, it has been reasonably argued, surely signify that the Discourses which they start were originally independent compositions—different introductions, as they are both entitled, to the same Code. Attempts to meet this argument cannot be said to be satisfactory. The separate title to the Second Discourse, iv. 44—49, is a composite one (see notes to it); and Professor Driver claimed[1] 'that there is nothing unreasonable in the supposition that, as formulated by the original author (whether preceded by iv. 41—43 or not), this title was considerably briefer than it now is and not longer than was sufficient to break the commencement of the actual 'exposition' of the law, promised in i. 5, as opposed to the introductory matter contained in i. 6—iv. 40.' This is far from convincing. For it evades the question, why did the historical fragment iv. 41—43 (to which by the way the Code in its law on the Cities of Refuge, ch. xix., makes no reference) come to be inserted just here? And it raises a kindred question:—if iv. 44—49 was originally, as suggested, a brief sub-title in the middle of a work from the same hand, why was it so largely expanded by later editors?

It is therefore not surprising that there has been considerable divergence of opinion as to the relations of the First Discourse to the Second and to the Code. The majority of critics,

[1] *Deuteronomy*, p. lxviii.

emphasising the evidence of differences in style and standpoint between the two Discourses—and in the present writer's opinion seriously exaggerating them—rightly however laid stress on the presence and independence of the two titles, and had no doubt that the First Discourse could not be by the same author as the Second. These, it was held, were different prefaces either to the same or to different editions of the Code; and the First was accounted to be the later of the two because of its reference to the Exile, iv. 27—31 (or at least because it includes in this a promise of Israel's recovery from exile[1]), or because it was alleged to show signs of using the two main sources common to both Discourses, viz. J and E, only after these were combined, whereas the Second appears to contain no such reflections of J and E as interwoven with each other[2]. On the other hand,

[1] See the notes to iv. 27—31, and below p. xcviii.

[2] The principal advocates of a different authorship for the First Discourse from that of the Second have been these:—Colenso, *Pentateuch*, Pt VI. 1871, though he had previously affirmed the opposite, 1864; Klostermann in the *Studien und Kritiken* for 1871, 253 ff.; Reuss, *La Bible*, 1879, I. 207; Valeton, *Studien*, VI., VII., 1880—81, not seen; Wellhausen, *Comp. des Hex.* 1885, p. 192 footnote, 'chs. i.—iv. and chs. v.—xi. have among other ends this one in common, to indicate a historical situation for the deuteronomic legislation, they are properly two different prefaces to different editions' of the latter; Kuenen, *Hex.* 1886, lays stress on the linguistic peculiarities of chs. i.—iv. and on the fact that while their author is particularly anxious to distinguish the two generations whom Moses addressed at Horeb and in Moab respectively, the author of chs. v.—xi., though aware that these generations are different still 'wishes to identify them.' 'Is it not clear that [the author of chs. i.—iv.] cannot also be the author of chs. v.—xi.?' (for answer to which see above pp lvii f.); L. Horst, *Revue de l'Histoire des Religions*, XXIII. 1891, 184 ff. (not seen, cited by Driver and Bertholet); Westphal, *Les Sources du Pent.* II. 1892, 66 ff., 80 ff., emphasises the fact of the two independent introductions, and separating the narrative, chs. i. 6—iii. 29 from the hortatory ch. iv. 1—40, regards the former as due to a later deuteronomic writer who desired to add a historical, to the hortatory, preface to the Code; Addis, *Documents of the Hexateuch*, II. 1898, pp. 19 ff., who had formerly (I. 1892, pp. lxiv f.) with Kuenen relied on the strength of discrepancies between chs. i.—iii. and v.—xi. (e.g. in the conceptions of Israel held respectively in the two discourses) now lays less or no stress on these; but because of the two independent titles i. 5, and iv. 44—49, because iv. 9—40 betrays familiarity with the style of Ezek. and P, and because of other divergences in language (admitted even

a smaller number of critics, minimising or attempting to explain away the fact of two separate and independent titles, laid stress—and as we have seen reasonable stress—on the general, and especially on the particular, agreement between the two Discourses in substance as in style and held—some absolutely but the most with reservations—that chs. i. 6—iv. must be from the same author as chs. v.—xxvi. etc. That some reservations are necessary is obvious ; the archaeological notes in chs. i.—iii. are doubtless due to an editor, and to editors also some ascribed the features in iv. 16—32 and elsewhere which are akin to P, and, if not the threat of Exile in iv. 26 f., the promise of conversion and the restoration of the converted in iv. 28 ff. The presence of the two independent titles, and the loose connection between the narrative i. 6—iii. 29 and the hortatory i.—iv. 40, which makes no use of the preceding narrative, but treats of subjects chronologically anterior to the events there narrated, led to other reservations of a more complicated kind. Dillmann for instance, who believed that the alleged discrepancies of fact between i.—iv. 40 and v.—xxvi., etc. are reconcileable, that 'no mere imitator could have throughout [i.—iv. 40] and to the minutest particulars hit upon the tone and style of D' ; and who therefore assigns all the *substance* of the First Discourse to the same

by Dillmann) feels himself 'justified in regarding the authors of i. 1—iv. 40 as later disciples of the Deuteronomic school' ; Moore, 'Deuteronomy,' in *E. B.* 1. 1899, 'the diversity of historical representation is decisive,' i.e. between i.—iii. and v.—xxvi., and 'iv. goes beyond v.—xi. in that its monotheism takes a loftier tone like that of Is. xl.—lv.' and it presupposes the Exile; Steuernagel, *Deut.-Jos.* 1898, pp. xv f., decides for a different author because of differences between the two discourses, especially ii. 14 and v. 3, and because of the separate titles, but Wellhausen's theory that i.—iv. 40 and v.—xi. formed introductions to different editions of the Law cannot be correct 'for xii.—xxvi. never existed without v.—xi.' ; Bertholet, *Deut.* 1899, pp. xxii f., because of differences in language and substance, and still more because of the separate titles, and the author of the First Discourse must be the later for i. 19—ii. 1 compared with Nu. xiii. ff. shows him acquainted with J and E in their combined form ; Carpenter and Harford-Battersby, *The Hexateuch*, 1900, 1. p. 92: 'i. 6—iii. is with much probability referred to another edition of the Book' than v.—xi. and xii.—xxvi. ; cp. vol. II. p. 248 ; Robinson, *Deuteronomy, Joshua*, p. 13.

author as that of chs. v.—xxvi., etc., argues that the *form* is due to the following drastic changes by the editor. He suggests that the editor found the substance of i.—iii. 29 as the original author's historical introduction to chs. v.—xxvi., in which Moses was represented in the third person and also found iv. 1—40 (except *vv.* 28 ff.) among the concluding enforcements of the Law (note *I have taught* in iv. 5) and that he changed the former into a speech by Moses, as it now stands, and transferred the latter from the close, to the beginning, of the exposition of the Law, as a suitable hortatory conclusion to i.—iii. 29. This subtle theory well illustrates the great difficulty about the First Discourse—on the one hand its substantial and detailed agreement with chs. v.—xxvi., on the other hand its separation in form from these chapters, as well as the looseness of connection between its own two parts[1].

These then were the results of the earlier and broader stage of the controversy upon the unity of Deuteronomy i.—xxx., viz. that concerned mainly with the relations of the two Introductory Discourses, the Code, and its concluding enforcements. But in our review of this stage of the controversy it has become clear

[1] In the modern critical school the principal supporters of the unity of the authorship of i.—iv. and v.—xxvi. have been Dillmann, *Num.-Deut.-Jos.* 1886, pp. 228—231, as set forth above; Van Hoonacker, *L'Origine des Quatre Premiers Chapitres du Deutéronome*, 1889 (not seen; a summary of his arguments is given by Driver, pp. lxvii ff.); Oettli, *Das Deut. u. die Bb. Jos. u. Richter*, 1893; Driver, *Deuteronomy*, 1st ed. 1895, 3rd 1902, pp. lxvii—lxxiii, thus summed up: 'To the present writer there appears to be no conclusive reason why c. 1—3 should not be by the same hand as c. 5 ff.; and the only reason of any weight for doubting whether c. 4. 1—40 is by the same hand also, seems to him to be one which after all may not be conclusive either, viz. that the author of c. 5—26, desiring to say what now forms c. 4. 1—40, might have been expected, instead of inserting it between c. 1—3 and the body of his discourse (c. 5 ff.), to have incorporated it, with his other similar exhortations, in the latter.' On Driver's explanation of the separate titles to the two Discourses see above p. lviii.—Kittel, *Gesch. der Hebr.* I. pp. 46—50, while recognising the strength of Dillmann's arguments, would—on the grounds of the separate titles to i. 6—iv., and of the fact that v.—xi. is a sufficient introduction to the Code but that Kuenen's theory also presents difficulties—leave the question open.

that the question of unity cannot be confined to the relations of these main divisions to each other, but must be carried into investigation of differences and lines of cleavage apparent *within* each division, and moreover similar in all. In other words, in addition to the main divisions of Deuteronomy i.—xxx., there are many cross-divisions running through the whole Book, and it is these with which the later and more minute investigations of its unity have been engaged. We shall consider them in the next Paragraph.

§ 7. *The Cross Divisions and Distinctions.*

The distinctions and differences, which are found *within* each of the main Divisions of Deuteronomy i.—xxx., some of them running through all these, and which have been taken to be evidences of different hands, are of five kinds. It does not matter in what order they are treated as they often both coincide with and cross each other. *First*, the distinction (already discussed) between the two conceptions of Israel of the wilderness, now as separate generations and now as one and the same; *second*, the division of both Introductory Discourses into historical and hortatory parts; *third*, the evidence of doublets within the Code and of independent groups of laws, distinguished by differences of form and phraseology; *fourth*, the distinction, sometimes coincident with the foregoing and sometimes crossing them, between the Singular and Plural forms of address; and *fifth*, the evidences all through the Book of editorial re-arrangements and additions, some of them reflecting the Exile.

First, the distinction between the two conceptions of Israel in the wilderness, as two successive generations, especially at Horeb and in Moab, and as one and the same people, who have witnessed *with their own eyes* all the events between the passage of the Red Sea and the crossing of Jordan, has already been sufficiently treated (pp. lvi f.). This distinction is present in both Introductory Discourses, though less explicitly in chs. i.—iii. than in chs. v.—xi. It is clearly a distinction of attitude or

rhetorical purpose and no conclusion of a difference of authorship can be drawn from it.

Second, each of the Introductory Discourses is divided between a historical and a hortatory part[1]. In the First Discourse chs. i. 6—iii. are historical, ch. iv. 1—40 is hortatory; in the Second the historical parts, chs. v. and ix. 8—x. 11[2], appear before and within the hortatory, vi.—ix. 7 and x. 12—xi. In each Discourse the connection between the historical and hortatory though not unnatural is loose, and in the Second marked by a jerk in the grammar, ix. 7. And while the historical parts are, except for isolated and detachable passages in the Pl. form of address, the two hortatory parts are mainly in the Sg., yet with several Pl. passages. But, as we have seen, all alike are in the deuteronomic style and spirit and replete with the deuteronomic formulas (pp. liii—lvi), except that curiously enough the historical part, chs. ix. 8—x. 11, only twice gives the full deuteronomic title *Jehovah your God* (ix. 16 and 23). The historical parts are evidently based on JE and equally so, yet they are occasionally divergent from these older documents in the statement of facts. None betrays any dependence on P, and, with most of the general and particular differences of the deuteronomic style from that of P, all show also differences of fact, and their accounts both of the divine manifestations in the wilderness and the origin of the institutions of Israel belong, with the Code and the hortatory addresses, to a school of religion very different from P's; yet curiously they also share with P a few touches of language and substance. Finally, the historical parts suitably supplement each other, but it is the two which now stand in

[1] Calvin in his Preface to his *Harmony of the Pentateuch* (1564) draws attention to the fact that the books Exodus to Deuteronomy are 'composed of two principal parts The Historical Narrative and The Doctrine.'... 'This distinction Moses does not observe in his Books, not even relating the history in a continuous form, and delivering the doctrine unconnectedly as opportunity occurred.' Nowhere else, however, do these contrast and in arrangement clash with one another as they do in Deuteronomy.

[2] Calvin's *Harmony* (Eng. trans. pp. 294 ff.) gives it as a separate section ix. 7—x. 11. The proper beginning of it is ix. 7 *b*, on which see note below.

the Second Discourse, which treat of the events in Ḥoreb, while that which opens the First Discourse follows the later events from the departure from Ḥoreb to the arrival at Beth-peor in Moab. This is a strange reversal of the proper order.

For the connection between the historical and hortatory parts of the First Discourse see pp. lxiii, xciii; for the same in the Second see notes to ix. 7 and x. 6—11.—The uniformity of the deuteronomic style throughout all the parts of the Discourses has been already shown in detail, pp. xlix f., liii f.—As for the forms of address, the only Sg. forms in the historical parts, are in i.—iii. 29 these scattered and more or less detachable fragments, i. 21, 31*a*, ii. 7, 24*b*, 25, 30*b*, 37, in ch. v. only the quoted Decalogue, and in ix. 8—x. 11 only x. 10*b*, for which however nearly all MSS of LXX have the Pl.; while the hortatory parts of the two Discourses differ within themselves and from each other thus; iv. 1—40 Pl. except for explicable instances of Sg. in the section *vv.* 9—24, and for a consistent Sg. through *vv.* 29—40; ch. vi. mixed, but the Sg. prevails throughout the rest of the hortatory part of the Second Discourse, except for editorial additions in chs. vii., viii. and these other passages, x. 16—19, xi. 2—9, 21—28, 31 f.—For the dependence of the historical parts on JE, especially E, see above pp. xvi f.; and for the discrepancies from JE, pp.

Whether the author or authors of the historical parts used J and E before these documents were combined (Dillmann and Kittel) or after (Bertholet), the present writer does not deem it possible on the evidence to decide.—The general and particular differences of language and style which distinguish Deuteronomy from P (see pp. xv, xxi) are sustained throughout the historical parts. So too the difference of religious standpoint and ethical spirit: e.g. the emphasis on the spoken word of God rather than on the physical manifestation accompanying, see notes introductory to i. 6—8; the ascription of the mission of the spies to the initiative of the people, i. 22, instead of, as in P, to the divine command; also the notes on i. 34—40, *Further Note* to i. 36—38, and notes to iii. 23—29; the different treatment of the *gēr* or *stranger*, see on x. 19, cp. on xiv. 21; the different conception of the Priests and Levites, see above pp. xxiii f. and below on x. 8—10; the absence of P's constant emphasis on Aaron's association with Moses, though, with P, x. 6 recognises him as the founder of a hereditary priesthood. For differences with P in details of fact see above pp. xix—xxii and below pp. 133 ff. On the other hand, the historical parts of the Deuteronomic Discourses agree with P in the name Kadesh-barnea see on i. 2; and in other place-names, if the fragment of an itinerary x. 6—8 belongs to ix. 8—x. 11 and is not a later insertion; in the addition of Joshua's name to that of Kaleb, i. 37 f. but see note there; and in the use *once* of P's term *tûr* = *explore*, i. 33. Also alone with P the historical parts of the Discourses record that the spies were twelve, i. 23, cp. Nu. xiii. 2, and that the ark was of acacia wood, x. 3, cp. Ex. xxv. 10 (but see introductory note to x.

1—3, pp. 131 f. where P's elaborate additions are pointed out). These of course were probably elements of common tradition and form no proof that the historical sections in Deuteronomy depend on or reflect P.

These phenomena raise several questions. Were the narrative and exhortation, between which the two Introductory Discourses are each divided, once independent of each other--forming as some maintain different introductions, historical and hortatory, to the same or different editions of the Code? It would be difficult if not impossible to relate the hortatory contents of the First Discourse, iv. 1—40, with those of the Second. But the detachableness of the historical parts from their context is clear, and most manifest are their affinities with each other; their common style even to details, their use of the same form of address, their dependence on the same sources, their similar treatment of their materials, and their complementary character. Were they originally one work? The evidence is so clear that this question is answered in the affirmative not only by those who take the whole of the two Introductory Discourses to be from the same hand[1], but even by those who ascribe the rest of the two Discourses to different hands. All conceive it at least probable, that ix. 8—x. 11 and i.—iii., of course in that order, formed once a (separate?) historical introduction to the Code. But if so, how came the two parts to be divorced and placed in different Divisions of our Deuteronomy, with what should have been the earlier in the later place? This is but one of many questions which illustrate the truth that the difficulties about the unity of Deuteronomy i.– xxx. arise not from its substance nor from its style, but from that structure and arrangement of its parts, in which it has come down to us.

Third, the Code itself, chs. xii.—xxvi. Although the Laws are arranged on the whole with regard to their subjects—I. Religious Institutions and Worship, II. Offices of Authority, III. Crime, War, Property, the Family, etc.—yet this plan is not consistently

[1] Dillmann, for whose theory on the subject see above pp. lx f. and Kittel.

carried through (see below, pp. 154—8); laws and groups of laws appear out of their proper setting. Partly coincident with the divisions and groups and partly cutting across them are differences of form and of style, just as we have seen in the Discourses. The cardinal law of the One Altar and the laws consequent on it—weighted with injunctions as to their practical objective, the abolition of the worship of all other gods—are significantly set either at the front of the Code or as near the front as their subjects permit—in division I. chs. xii. 2—28, xiv. 22—29, xv. 19—xvi. 22; in II. xvii. 8—13, xviii. 1—8; in III. xix. 1—13. They are throughout in the peculiar style of Deuteronomy and replete with its formulas and other distinctive phrases. But in other laws, the deuteronomic formulas, chiefly at the end of a law, are detachable from the context and being removed leave the laws compact and sufficient, just as in the case of the deuteronomic expansions of the Decalogue (p. 84). In a number of other laws there are no marks of Deuteronomy's style—neither the direct form of address nor any of the distinctive phraseology. Still another distinction runs across both the laws which are in the style of Deuteronomy and those which are not. For in each of these classes some laws are not only parallel to laws in JE, but contain so many linguistic agreements with these and even exact repetitions that they are evidently based on them, though modified to suit the law of the One Altar or expanded in Deuteronomy's own phraseology and humane spirit. Other laws are paralleled only in H and P, without however any proof of being based on these codes; while others have no parallels in JE, H, or P but are peculiar to Deuteronomy, and of these also some have its phraseology and some not. Again, most but not all of the laws are in the direct form of address characteristic of Deuteronomy, and of those which are, most have the Sg. address and a very few the Pl. (see next §). And again there are groups of laws on the same subject, such as War or the Family, which carry formulas common to themselves but distinct from those of other groups. All these phenomena raise the question whether behind the Code, chs. xii.—xxvi., there are not other codes besides those of J and

E. And, finally, a few of the laws bear signs of a date later than the bulk of the Code and than the reign of Josiah when it became operative.

All these distinctions are marked in the notes to the text, but they may be usefully arranged here.

(*a*) The evidence that our Code used the codes of JE, Ex. xiii. 3—16, xx. 23—xxiii. 33, xxxiv. 12—26, is of different degrees of worth and requires discrimination; in several instances its force has been exaggerated. It is most clear in the following, some of which are exact repetitions:—xii. 3 altars and images of other gods, cp. Ex. xxxiv. 13; xiv. 21 seething a kid in its mother's milk, exactly as in Ex. xxiii. 19 and xxxiv. 26; xv. 12—18 on slaves, cp. Ex. xxi. 2—11; xvi. 19 just judgement, cp. Ex. xxiii. 2, 6—8; xix. 15—21 witnesses, with terms and phrases similar to those in Ex. xxiii. 1 ff.; xxii. 1—4 lost property, cp. Ex. xxiii. 4 ff.; xxiii. 19 f. interest etc., cp. Ex. xxii. 25; xxiv. 7 manstealing, cp. Ex. xxi. 16; xxiv. 17 f. stranger, fatherless and widow, cp. Ex xxii. 21 f., xxiii. 9; xxv. 17—19 Amalek, with phrases from E, Ex. xvii. 14, Josh. x. 19 (?). In the following four laws we find a great expansion of the corresponding laws in JE with alterations to suit the law of the One Altar: xv. 19—23 firstlings, cp. Ex. xiii. 11—16, xxii. 29 f., xxxiv. 19 f.; xvi. 1—17 the three feasts, cp. Ex. xxiii. 14—17, xxxiv. 18—23, 25; xix. 1—13 rights of asylum, cp. Ex. xxi. 12—14; xxvi. 1—11 presentation of firstfruits, cp. *vv.* 2, 10 ff. with Ex. xxxiv. 26. Less clear are these:—xv. 1—11 year of remission, cp. Ex. xxiii. 10 f., the connection is slight and questionable; xviii. 9—22 the prophet, contains details from E, Ex. xxii. 18, etc. (see notes); xxi. 18—21 rebellious son, cp. Ex. xxi. 15, 17; xxii. 28 f. seduction, cp. Ex. xxii. 16 f.; xxiv. 10—13 pledges, cp. Ex. xxii. 26 f. with different technical terms. Of course it is possible that some of these parallels are due to derivation from sources common to JE and Deuteronomy; this is probable in the case of the *lex talionis*, xix. 21, which is given more fully in Ex. xxi. 24 f. But on the whole the evidence justifies the conclusion that the codes of JE formed a basis for that of Deuteronomy. See (in this series) Driver's notes to the JE codes in his *Exodus*, and Appendix III. of Chapman's *Introduction to the Pentateuch* with his conclusion that 'the whole legislation in the Book of the Covenant'—i.e. Ex. xxi. 23—xxiii. 33—'Ex. xxi. 18—xxii. 15 excepted, is repeated (sometimes with material modifications) in Deuteronomy.' One law new in Deuteronomy seems designed to supplement one in E; that on fencing roofs, xxii. 8, cp. E on fencing pits, Ex. xxi. 33 f.

(*b*) The parallels between the Code of Deuteronomy and those of H and P—other than what all have with those of J and E—are the following:—xiv. 1 (*plus* deuteronomic formulas in *v.* 2), mutilation for the dead, cp. Lev. xix. 28; xiv. 3—20 clean and unclean beasts, cp. Lev. xi. 2—23, xx. 25; xiv. 22—29 tithes, cp. Lev. xxvii. 30—33, Nu. xviii. 21—32; xvi. 13, 15 *booths* (the name for the feast), Lev.

xxiii. 34, 42 f.; xvi. 21 f. Asherîm and Maṣṣebôth, Lev. xxvi. 1 (in part); xvii. 1 blemished beasts, Lev. xxii. 17—25; [xviii. 1—8 tribe of Levi, Lev. vii. 31—33, Nu. xviii. 1—20 (very slight)]; xviii. 10 Molech, Lev. xviii. 21, xx. 2—5; xxii. 9—11 against various mixtures, Lev. xix. 19; xxii. 12 on fringes, Nu. xv. 37—41; xxii. 22 adultery, Lev. xviii. 20, xx. 10; xxii. 30 incest, Lev. xviii. 8, xx. 11; xxiii. 9—14 cleanness of camp first part, Nu. v. 1—4; xxiii. 21—23 vows, Nu. xxx. 2; xxiv. 8 leprosy, Lev. xiii. f., Nu. xii. 14 f.; xxiv. 14 f. hired servant, Lev. xix. 13; xxiv. 19—22 gleaning, Lev. xix. 9 f.; xxv. 13—16, weights and measures, Lev. xix. 35 f. In these parallels the verbal agreement is but small, the differences of language and substance many. On the law of tithes P, as we have seen (p. xxiv), represents a later stage of development, and is much more detailed in the law on vows. While the same spirit of humanity breathes in H as is conspicuous in the deuteronomic laws, the religious motive is differently expressed. Further these laws as stated in Deuteronomy are all in the Sg. form of address—except xiv. 1, 3—20 in the Pl. and xxii. 30 in neither—and are in large part in the deuteronomic style. The deuteronomic formulas, however, are easily separable in xiv. 1 f.; xvii. 1, xxii. 22, xxiii. 9—14, xxv. 13—16 (15*b*; and 16 *the Lord thy God*); there are no marks at all of Deuteronomy's distinctive style in xxii. 9—11, 12, 30; and elsewhere the absence of its formulas is noteworthy. On the whole Deuteronomy shows no dependence on H or P; some of the laws it seems to derive from the same written source as they do; in other cases the parallels may be different reductions to writing of the same or similar practices or tempers in Israel.

(*c*) Laws peculiar to Deuteronomy. Apart from those which deal with the One Altar and its consequences and which are noted above (p. lxvi), the laws found only in Deuteronomy fall into three classes, so far as form and style are concerned. *First*, those in the distinctive style of Deuteronomy, nearly all in the earlier part of the Code:—xiii. 1—5 false prophets, 6—11 enticers to idolatry, 12—18 idolatrous cities, with xvii. 2—7 idolaters; [xvii. 8—13 judges of appeal]; xvii. 14—20 the king; xvii. 9—22 the prophet, with echoes of E; xx. 1—9 exemptions from war-service, 10—18 terms for an enemy city, 19 f. fruit-trees in siege, with xxi. 10—14 marriage to a captive of war and xxiii. 9—14 cleanness of camp (as a whole, see also under *b*); xxiii. 15 f. escaped slave; xxiv. 1—4 divorce; xxv. 1—3 excessive beating. Some are without the formulas prevalent in other parts of Deuteronomy, but these formulas are not called for by the particular subjects in hand; and the laws bear other signs of the deuteronomic style—repetition, expansion, emphasis: all in the Sg. form of address. *Second*, laws peculiar to Deuteronomy in which its formulas and other favourite phrases are detachable from the context:—xix. 14 boundary-stones, xxi. 1—9 untraced murder, 18—21 disobedient son, 22 f. hanged malefactor, xxii. 5 against wearing the clothes of the other sex, 6 f. sparing the mother bird, 13—21 the suspected bride, 23 f. and 25—27 treatment of a betrothed virgin, xxiii. 3 f. Ammonite and Moabite excluded

from the congregation (on probable deuteronomic additions see note), 17 f. *kedeshôth* and *kedeshîm*. xxv. 11 f. indecent assault. All are in the Sg. form of address, except xxii. 23 f., which is Pl. save for the concluding formula, and xxi. 18—21 and xxii. 13—21, which, with the same exceptions, are not in the form of direct address. The detachableness of the deuteronomic elements suggests that some of these may be earlier laws incorporated by Deuteronomy, and this is corroborated as in xxii. 23 f. by the change from the Pl. address in the body of the law to the Sg. in the closing deuteronomic formula, or as in xxii. 13—21 by the body of the law not being in the form of direct address while the closing formula is; xxi. 1—9, untraced murder, may be either a modification of written law or the modification of an unwritten practice. *Third*, laws peculiar to Deuteronomy which bear no marks of its distinctive style:—xxi. 15—17 right of firstborn; xxii. 8 fencing of the roof; xxiii. 1 exclusion of eunuchs, 2 of bastards (unless *kahal, assembly*, in this sense be taken as characteristic of Deuteronomy, see p. xlix), 7 f. on Edomites and Egyptians, 24 f. use at need of others' crops; xxiv. 5 the newly-married, 6 millstone forbidden as pledge, 16 fathers and children; xxv. 4 unmuzzle the ox, 5—10 Levirate marriage (see note p. 286). Of these 7 are not in the direct form of address prevalent in Deuteronomy, while 5 are in its prevalent Sg. That some or all of them come from an earlier code is possible but not certain; xxiv. 16 sanctions an innovation which came into Israel's practice in Amaziah's time; xxiii. 24 f. and xxv. 4 practices now common in the east and probably ancient.

(*d*) Groups of Laws dealing with the same subject or procedure and marked by the same or similar special formulas. There are three or four of these groups. The most conspicuous is that on War, to which there are no parallels in JE:—

xx. 1—9, *when thou goest forth to battle against thine enemies.*
10—18, *when thou drawest nigh to a city to fight against it.*
19 f., *when thou shalt besiege a city a long time.*
xxi. 10—14, *when thou goest forth to battle against thine enemies.*
xxiii. 9—14, *when thou goest forth in camp against thine enemies.*

Steuernagel takes only the last two as from the same source, a 'War-code' older than the bulk of Deuteronomy: he holds the opening formula in xx. 1—9 as editorial, but for the groundlessness of this see note on p. 244. If there ever was a separate code of War-laws all these five belonged to it; but its separate existence is quite uncertain. These laws are all in the Sg. form of address; they contain it is true but few of Deuteronomy's formulas, yet they have its rhythm and no elements foreign to its diction. *Secondly*, there is a number of laws which use formulas containing the word *To'ebah, abomination*:—

xvii. 1, *for that is an abomination to Jehovah thy God.*
xviii. 10—12 *a*, *for whosoever doeth these things is an abomination unto Jehovah.*
xxii. 5, *for whosoever doeth these things is an abomination unto Jehovah thy God.*

xxiii. 17 f., *for even both these are an abomination unto Jehovah thy God.*

xxv. 13—16, *for all that do such things are an abomination unto Jehovah thy God.*

These five Steuernagel takes as from a code earlier than Deuteronomy, consisting of 'To'eba-oracles.' The hypothesis is arbitrary. Abomination is a term frequently used in Deuteronomy both in other laws and in the Discourses; to separate from these the five above and assign them to another source is obviously arbitrary. *Thirdly*, a number of the laws introduce *the elders* as judges or executioners

xix. 1—13, Cities of Asylum or Refuge, *elders of his city.*

xxi. 1—13, Untraced Murder, *thy elders and judges, elders of that city.*

18—21, Disobedient Son, *elders of his city.*

xxii. 13—21, Suspected Bride, *elders of the city in the gate.*

xxv. 5—10, Levirate Marriage, *elders of his city.*

These all begin similarly: those in which the death-sentence is inflicted have the phrase *that he may die*; the city-gate is the place of judgement; and the phrase *to bring out* is frequent. On these grounds Steuernagel takes them (in part of course, for he eliminates alleged additions) as a group by themselves and he adds to them other laws which also contain the aforesaid phrases, xvii. 2—7, 8—13, xxi. 15—17, 22 f., xxii. 22—29, xxiv. 1—5, 7; which do not mention *elders*! This also is arbitrary. It is true that Deuteronomy has provided in xvi. 18 f. for the appointment of lay *judges* in each city, and that it is difficult to understand the relation of these to the *elders*. Yet this is a frail ground on which to build the hypothesis of a separate authorship. As Steuernagel himself shows, these laws have several elements of diction in common with laws which do not mention elders and some of which are thoroughly deuteronomic in style. No law seems more original to Deuteronomy than that of the cities of Asylum, and it mentions elders.

(*e*) Laws alleged to be of later date than the bulk of the Code chiefly on the ground that they could not have been extant when the Law-book was discovered under Josiah nor for some time after. These are four in number:—(1) xiv. 1 f. against mutilation for the dead, because it was unknown to Jeremiah, Ezekiel, and the Jews who came from Shechem to worship at Jerusalem (see notes on pp. 184 f.); this law is probably of later origin but not certainly, for other deuteronomic laws were neglected in the period immediately following Josiah's reign, e.g. xv. 12—18 on the emancipation of slaves (cp. Jer. xxxiv. 8 ff. and Neh. v. 5), and the law as to the participation of the rural Levites in the Temple-worship, x. 8 f., xviii. 1—8 (cp. 2 Kgs xxiii. 9). (2) The law of clean and unclean beasts, xiv. 3–20, in the Pl. form of address and without deuteronomic elements (except in *v.* 3 which may be Deuteronomy's original law), is paralleled only in P. (3) The law of the King, xvii. 14—20, is taken by some as later than the rest of the Code

because like xxxi. 9 it represents the whole law as already in writing and canonical, but this is far from conclusive; and it is extremely probable that the original Code contained a law of the King (see note on p. 224). On xxiii. 1—9 and xxvi. 3 f. see the notes.

The above evidence leads to the conclusion that like other bodies of law this in Deuteronomy is the result of growth and compilation from various sources—new laws, expansions and modifications of old ones, while some probably are the reduction to writing for the first time of unwritten practices. Part of the Code is undoubtedly based on the codes of J and E; that there were other codes behind it is possible. The non-deuteronomic style of many of the laws indicates that these were not original to the author or authors of Deuteronomy but borrowed. That is all we can say with certainty. Steuernagel's discrimination of older codes, 'War-laws' '*To'eba*-laws' and 'Elder-laws,' is insufficiently founded. Apart from the reasons against it given above it is improbable that separate codes existed for separate subjects. Just as in the case of the Discourses the evidences of the presence of elements later than the bulk of the Code are few and except in the law on clean and unclean beasts sporadic. But, of course, there are not a few scribal and editorial additions, which have been indicated in the notes.

These, however, are not the only kinds of evidence of compilation which the Code offers. There is another and more striking kind. Several of the laws, and among them some of those most clearly original to Deuteronomy, bear signs of having once existed in separate and variant forms now put together. The cardinal law itself, ch. xii., appears to be composed from three statements—some would say more but there are at least three—all emphasising the concentration of the worship of Jehovah upon One Altar, but differing in details, with different forms of address and introduced or followed by different reasons:—1st *vv.* 2—7, Pl.; 2nd *vv.* 8—12, Pl.; 3rd *vv.* 13—19, Sg., with the corollary, *vv.* 20—27, permitting the eating of flesh not sacrificially slaughtered to Israelites too far from the One Altar to be perpetually resorting to it. For details see the notes on pp.

159—172. The law of the Priests, xviii. 1—8, seems compounded of doublets. Also the two laws, xiii. 1—18 and xvii. 2—7, are parallels; why both should be in the same code, or being in it should be separated from each other, is best explained on the ground that they originally belonged to different editions of the code. In xvi. 1—8 we have probably a compilation of two laws originally separate, one on Passover and one on Maṣṣoth. There is more uncertainty about xvii. 8—13, on the Judges of Appeal; it seems the combination not of two written forms but of the double practice prevailing in Israel from the earliest times[1]. All this points to the existence of different editions of the Code of Deuteronomy—a fact which is not surprising, for elsewhere in the Old Testament we find different editions of the same law; e.g. the Decalogue itself, in Ex. xx. and Deut. v.; the Sabbath-law, Ex. xxiii. 12 and xxxiv. 21; the law of firstlings, Ex. xiii. 12—16 and xxxiv. 19 f., both in J; the Seventh Year, Ex. xxiii. 10 f. and Lev. xxv. 1—7; and the law of clean and unclean beasts, Deut. xiv. 3—20 and Lev. xi. 2—23; etc., etc.[2] But any signs that there were once different editions of the laws of Deuteronomy, and these its most distinctive laws, are in striking harmony with the evidence, which we found in the Discourses, of different Introductions to the Code with independent titles (§ 6, esp. p. lviii). The doublets in ch. xxvii. (see note on p. 300) are clear indications of separate supplements to the Code. And there are also two accounts of the institution of the cities of Asylum, iv. 41—43 and xix. 1—10, both deuteronomic.

The *Fourth* Cross-Distinction in Deuteronomy, that between the Singular and Plural Forms of Address, which we have so frequently found connected with the cross-distinctions that we have just been examining, is sufficiently important—and complicated—to require a Paragraph to itself.

[1] Some also find doublets in xviii. 9—22, the law of the Prophet, but on questionable grounds; see the notes.

[2] Cp. the parallels on pp. 370 f. of Driver's *Exodus* (in this series).

§ 8. *The Singular and Plural Forms of Address.*

Except for titles, a few historical fragments intruded among the Discourses, and several Laws, chs. i.—xxx. of Deuteronomy are composed throughout in direct address to Israel. But, as we have seen, both in the Discourses and among the Laws there is more or less frequent transition between the Sg. and Pl. forms of address. Israel is now *Thou* and now *You*. Sometimes one of these forms is maintained through whole sections of the Discourses, sometimes with sporadic interruptions of the other. Sometimes one form prevails only through a paragraph or a sentence and yields in the next to the other. Sometimes both are used in the same sentence. By far the most of the Laws are in the Sg. but a few carry the Pl.; and again some of the latter, and others also which are not otherwise in the form of direct address, have a single clause in the Sg., either at the beginning or more often at the end of the law.

Till recently this distinction in the form of address was not carefully examined. In 1891 Cornill (*Einleitung in das A. T.* 1st ed.) stamped some of the laws as secondary because they use the Pl. form. A few years later Staerk (*Das Deuteronomium* etc. 1894) and Steuernagel (*Der Rahmen des Deuteronomium* 1894, *Die Entstehung des deut. Gesetzes* 1896, and *Deuteronomium-Josua* 1898 in Nowack's *Handkommentar z. A. T.*) independently analysed the Book mainly on the basis of Sg. *versus* Pl., but with regard also to other differences of style as well as to some of substance. Their results are different and contradictory. In chs i.—xi. Staerk distinguishes three speeches of Moses in the Pl., two pre-exilic and one exilic, with a large number of 'sketches and essays' in the Sg. dating mostly before but partly during the Exile. Of the laws those which he reckons original are all in the Sg.; all in the Pl. he takes as later—except where on other grounds this is impossible and then he frequently alters the text—but with them he counts as also later some laws and other passages in the Sg. Steuernagel on the other hand not only identifies two separate introductions to the Code but two separate Codes corresponding to them: the older in the Sg. address, vi. 4 f., 10—13, 15, vii. 1—4*a*, 6, 9, 12*b*—16*a*, 17—21, 23 f., viii. 2—5, 7—14, 17 f., ix. 1—7*a*, 5—7*a*, x. 12. 14 f., 21 (22?), xi. 10—12, 14 f. with all the laws dealing with the centralisation of the worship and its consequences and all others showing an ethic, either rigorous or humane, in harmony with the principles of their introductory discourse and almost exclusively using the Sg. He finds a younger Introduction marked by the use of the Pl. in v. 1—4, 20—28, ix. 9, 11,

13—17, 21, 25—29, x. 1—5, 11, 16 f., xi. 2—5, 7, 16 f., 22—28, with these laws:—parts of ch. xii in the Pl. and a number of other laws not showing any order because collected from various sources, some in the Pl. some in the Sg., and including several against heathen practices which show sympathy with their Introduction's frequent polemic against images; and again within each collection of laws he discriminates smaller codes (see above pp. lxix f.) from which it was compiled, and later additions. He adds lists of phrases which he finds characteristic of these Sg. and Pl. divisions respectively. Staerk and Steuernagel thus agree only in seeing a frequent and very complicated difference of authorship in the distinction between Sg. and Pl. and in judging the Pl. to be generally the later. Their theories were adversely criticised by Kosters (*Theol. Tijdschrift*, 1896), Addis (*Documents of the Hexateuch* II. 1898, pp. 10—19) and Bertholet (*Theol. Literaturzeitung*, 1899, No. 17) principally on three grounds: (1) that in other Hebrew writings the changes between the Sg. and Pl. forms of address are too common to afford a basis for difference of authorship; (2) that within passages using the same form of address differences of date are apparent, and (3) that the complexities of the two analyses, the drastic changes in the text, and the arrangement of the Book, which their respective results require, and especially the contradictions between these results, all justify further and final scepticism. This last objection is enhanced by still another analysis of Deuteronomy on the basis of Sg. and Pl., by Professor Mitchell of Boston (*Journal of Biblical Literature*, 1899, pp. 61 ff.), which leads to results different from both Staerk's and Steuernagel's. On the other hand, Steuernagel's principle of analysis and even many of his results have received approval both from conservative and from advanced critics. Professor G. L. Robinson of Chicago (*Expositor*, 1899, p. 362) makes the singular suggestion that the Pl. sections of the Discourses are suitable to Moses in the wilderness addressing as a prophet the individuals of his own generation, while the Sg. address agrees with the attitude of Moses as an old man in Moab looking back on the nation as a whole! In the fifth ed. of his *Einleitung* (1906) Cornill, besides repeating his earlier emphasis on the 'tell-tale Plural' in the laws, acknowledges Staerk's and Steuernagel's 'demonstration of the coherence of the Pl. and Sg. passages respectively—which Steuernagel has further confirmed by a number of acute observations on the linguistic usage.' In 1900 the present writer read before the Society of Historical Theology in Oxford a paper in which he independently analysed the Sg. and Pl. passages and reached conclusions regarding a difference of authorship between them more positive than he now feels to be justified, as will be seen from the following paragraphs. Other criticisms of the distinction between Sg. and Pl. as a criterion of difference of authorship—repeating the objections given above and adding fresh ones—will be found in Estlin Carpenter's and Harford Battersby's *The Hexateuch*, II. 1900, pp. 246 f. (footnote) and in Cullen's *The Book of the Covenant in Moab*, 1903, pp. 2—4. The former rightly does not consider either the complexity of Staerk's and Steuernagel's results or their

difference in detail from each other as fatal to their common principle, but says that 'the distribution into two documents corresponding to Sg. and Pl. seems somewhat hazardous,' on the grounds that 'it does not rise naturally out of the phenomena of the text,' many laws assigned by Steuernagel to the Pl. author being in the Sg. and redactions being invoked of which the text shows no trace; that the Massoretic tradition of the text is often uncertain; and that in the Discourses it would not be unnatural for the same speaker to pass, as for instance Jeremiah does, from the one to the other form of address. Cullen's objections lay stress on the liability of the text to alteration during its tradition; on the facts that the Hebrew editors of the Book saw nothing objectionable 'in the want of continuity in the verbal and pronominal numbers' and that other Hebrew writers show the same disregard of continuity; and on the opinion that 'to elevate a detail of form of this kind into anything like a norm of analysis for an O.T. book is a departure from the true principles of historical criticism'; the distinction between the Sg. and Pl. is 'a trifling item of literary technique.'

We cannot be content with such summary opinions; the last in particular is far from just to the facts. However complex and obscure these facts may be they are certainly not 'trifling.' When we find that the transitions between Sg. and Pl. are often coincident with other changes—changes of subject-matter or of diction, obvious interruptions of the theme of the context, sometimes by awkward constructions—we cannot regard them *all* as accidental or insignificant. Whatever estimate we may finally form of their value as signs of a difference of authorship, they demand from us a close examination. Therefore they have been duly marked in the notes to the text, and we have now to consider their evidence as a whole.

1. To begin with, a note of caution is necessary upon the text itself. No elements of this were more liable to alteration in the course of its tradition than the Sg. and Pl. forms of address, and the readings of these are therefore often uncertain. The Hebrew sometimes gives one form where in the Samaritan Version or in the Greek, or in both, we find the other. Decision between or among three such witnesses is generally difficult and not always possible. It may seem a sound principle to prefer the consensus of the two most ancient Versions where they differ from the Hebrew, but we cannot always confidently act upon this. For in such cases both sets of translators may have been, intentionally

or unconsciously, harmonising: e.g. iv. 3, 25, xi. 13 f., cp. viii. 1, LXX, against which are both the Hebrew and Samaritan. Moreover the original reading of the LXX is often doubtful; its MSS vary. Thus part of the material of our discussion is uncertain. Yet the uncertainty must not be exaggerated. To a very great extent the two Versions agree with the Hebrew. With few exceptions, they do so through the long passages of the Book where one or the other form is constant; and they do so sometimes even when both forms occur in the same sentence and when therefore there was most temptation to translators to harmonise the grammar: e.g. iv. 21, 23 f., v. 1, vii. 4, 25, viii. 19 f. (see note), xi. 10 *whither thou goest in...whence ye came out.* And in instances both of agreement and of difference between the Hebrew and the Versions we have often other reliable tests. But withal we must be prepared for a residuum of doubtful readings in cases where the difference between Sg. and Pl. is concerned.

We can sometimes trace the intrusion of a Sg. form into a Pl. passage or of a Pl. form into a Sg. passage either to dittography or to attraction: e.g. iv. 29 (see note), viii. 1 (?) and ix. 7 where the Samaritan Greek reading *ye went forth* is to be preferred to the Hebrew *thou* as the latter is probably due to attraction from the preceding verbs in the Sg.; cp. iv. 23*b* where the exceptional Sg. may be similarly due to the Sg. verbs that follow it; or iv. 25 *thou shalt beget* for which read *you shall* (see note); on iv. 37 where the awkward Hebrew *his seed after him* seems to have arisen under the influence of the Sg. verb of the clause and where Samaritan, Greek, Syriac, Targum and Vulgate all read *their seed after them*; on xvii. 16*b* where the Pl. *unto you*, exceptional in this law, is most reasonably explained by attraction from the Pl. verb in the following quotation; and similarly in xx. 2*a* (see note). Of course we cannot say whether such forms as are due to attraction are inconsistencies on the part of the original writer, as they may well be (see below p. lxxviii) or the faults of copyists of the text.—Of passages where the Versions help us to emend the text iv. 34, xx. 2*a*, xxviii. 14 may be taken as examples. The two exceptional Pl.'s *your God* and *for you* in iv. 34 are suspicious especially in face of the immediately following *thine eyes* (so Hebrew confirmed by the Versions); but the LXX reads *our God* and most Greek MSS omit *for you*, thus diminishing the confusion.—But in this same verse we have a sign of how readily translators come under the influence of 'attraction,' for both our English Versions give *your eyes* instead of the Hebrew *thine eyes*. Similarly in iv. 3 the Authorised Version gives *among you* for the Hebrew *in the midst of thee*, correctly reproduced in our Revised Version.

2. In addressing Israel other writings of the O.T. pass from the Sg. to the Pl. and *vice versa*, some occasionally some more frequently. As Deuteronomy is both a Code of Laws and a Discourse (or Discourses) to Israel we may take for comparison with it in this practice the codes in JE and the discourses or oracles of Jeremiah.

In the code Ex. xx. 23 -xxiii. 33 all laws couched in the form of direct address to Israel are in the Sg. except seven in the Pl. Five of these Driver (*Exodus* in this series), who takes no note of this difference, marks as editorial; in a sixth, xxii. 31, *ye shall be holy men* the Pl. is inevitable, no one would write 'thou shalt be holy men,' and the seventh is the opening law of the code, xx. 23, *ye shall not make...with me, gods of silver or gods of gold ye shall not make unto you*, which Pls may be due to attraction from the Pl. pronouns in the preceding exordium *v.* 22; yet both verses have been marked by other critics as editorial not only on account of their Pl. form, but because Versions show that variant forms of them were extant.

Again in Jeremiah's addresses to *Judah*, *Jerusalem*, *men of Judah* or *House of Israel* he frequently—one might almost say usually—employs the Pl. form: e.g. ii. 4 ff., iv. 3 f., v. 20 f., vii. 1—15, 21—25; [x. 1 ff.]; xi. 1—5, 6—8; xiii. 15—17; xvi. 10—13; xviii. 5—17; xxi. 4 f., 8 f., 11 f.; xxii. 1—5 (changing to Sg. in *v.* 6 after a personification), 10; xxv. 3—8; xxvi. 4 f., 12—15; xxvii. 9 ff.; xxix. 10 f. (to the exiles); xxxi. 31—33 (the new covenant, indirect address); xxxiv. 13—17 (except for the quotation noted below); xxxv. 13—16; xlii. 9 ff., 19 ff. (*O remnant of Judah*); xliv. 7—10, 11, 26 (*all Judah that dwell in the land of Egypt*). When Jeremiah uses the Sg. address it is mostly but not always in one of three connections. (1) After, or with, a vivid personification of the people, land or city: e.g. ii. 1—3, 14—19, 20—25, 31—37; iii. 1—5; iv. 1 f.; x. 17 ff.; xii. 7 f.; xiii. 20—27; xxii. 6 f. (but passing to Pl. in *v.* 9), 20—23; xxx. 12—14 (*Sion* = the community); xxxi. 3—5 (*virgin of Israel*), 15—17 (*Rachel* the mother), 18—20 (*Ephraim* the son), 21 f. (*virgin of Israel*). Or (2) when short of actually personifying the nation Jeremiah sets it in sharp contrast to any other, or all others: e.g. ii. 36 f.; iv. 5—8 (Pls. except in 7 where the other nation comes in); x. 24 f.; xv. 11—14; xxx. 7—11 (*Jacob*) and xlvi. 27 f. (*Jacob* as *Servant*)—these last two passages should perhaps rather come among the personifications. Or (3) when he is quoting from Deuteronomy: e.g. in v. 14—19 he begins with the Pl., passes to the Sg. in words more or less those of Deut. xxviii. 49 ff., and resumes the Pl. with his own words in *v.* 19 (*v.* 18 may be an insertion); similarly in xxxiv. 14 the change from the Pl. to the Sg. comes in with a quotation of Deut. xv. 12 and again Pl. is resumed with the prophet's own words. But in some quotations Jeremiah changes their original Sg. to his own usual Pl.: e.g. xxix. 13, cp. Deut. iv. 29; xliv. 3, cp. Deut. xiii. 6. There are, however, a considerable number of transitions

from Sg. to Pl. in Jeremiah's discourses which are not capable of the above explanations, nor of any other except that the prophet felt himself free to make them! For example, iii. 12 ff. is mainly in Pl. but has one Sg. clause (but is it a quotation?); iii. 19 passes from Sg. to Pl.; in xi. 13 the two forms are in successive clauses; and in xxi. 13 f. we find *I am against thee...ye which say...I will punish you...her forest round about her.*

All this—while further exposing the complexity of the question and while explaining the inevitableness of contradictions in the various analyses of Deuteronomy on the basis of the two forms of address—nevertheless offers some clues through the maze. The discourses of Jeremiah show that *some* changes from Pl. to Sg. may be due to the influence of a vivid personification of the nation or community addressed; or, short of personification, to a conception of it approaching the personal, especially when it is contrasted with other peoples; or to the quotation by the speaker of other writings in a different form of address from that which he usually adopts, or to no apparent reason at all except the inconsistence of the writer. Again, the codes in JE show still more clearly that some changes from Sg. to Pl. are due to the hand of an editor or expander of the original. We have now to ask, whether any of the changes of address in Deuteronomy correspond to any or to all of these?

As for the influence of personification on the form of address there should be constant opportunity for observing this in Deuteronomy, in which Israel is regarded as a moral unity and is so often conceived under a vivid personal metaphor. Hence the prevailing Sg. in the hortatory parts of the Discourses, especially where these contrast Israel with other peoples (as in iv. 32 ff. and ix. 1—6), and in all laws which concern the whole nation. Hence, too, in Pl. contexts the emergence of the Sg. at points where the exhortation becomes particularly intense or intimate: e.g. iv. 9 (and carried on into *v.* 10).

The transitions between the two forms of address often coincide with the transitions between exhortation and narrative in a manner too exact to be other than significant. We have noted the prevalence of the Sg. in the hortatory parts of the Discourses;

it is the Pl. which prevails in the historical parts. With few exceptions (which we shall consider immediately) the Pl. runs through i.—iii. 29, the historical part of the First Discourse; and is sustained through the historical parts of the Second Discourse: through ch. v. (except for the quotation of the Decalogue) and without interruption through ch. ix. 7 *b*—x. 11; the hortatory setting, vi.—ix. 7 *a* and x. 12—xi. 32, being mainly in the Sg., except significantly enough in the longish passage xi. 2—9, where the exhortation is mixed with narrative and the Pl. again prevails (the other Pl. exceptions are as we shall see probably editorial). Moreover the transition from Sg. to Pl. in ix. 7 is marked by an awkward construction, as though we had there the splicing of two strands by a hand which had found them separate. Of course even this - though a sign of the compilation of different documents - is not proof of a difference of authorship. It would be natural for the same author to use mainly the Pl. in narrative but to turn to the Sg. when he came to exhort the people especially under the deuteronomic conception of Israel as a moral unity; and as we have seen (§ 6) there is—apart from this difference in the form of address - great similarity of style and doctrine not only between the two Discourses as a whole but within each, between its historical and hortatory parts (see below for exceptions). Moreover this association of the Sg. with exhortation and of the Pl. with narrative is not constant. We find the prevailing Pl. of the historical part of the First Discourse, i.—iii. 29, running on into the hortatory part, iv. 1—40 (at least iv. 1—8, hortatory though it is and containing also a contrast between Israel and other nations, cannot be separated from i.—iii. 29); and similarly the Pl. of ch. v. runs for a little way into ch. vi., so that although we discover some evidence of principle or habit in the use of the forms of address, we see also that this is not adhered to with constancy.

We may take next the question of quotations, and here again some things are clear amid much that is uncertain. In ch. v. which is otherwise consistent in the use of the Pl. the Decalogue is quoted and it is in the Sg.; while in xi. 18—25, mainly a Pl. passage, the

emergence of the Sg. in 19*b*—20 comes in a quotation, slightly varied, of vi. 6—9, a Sg. passage. This is treated just as Jeremiah treats some of his quotations; some of the pronouns are altered to harmonise with the context, some are left as they are in the original passage. May the same or a similar reason not explain the exceptional Sgs in iv. 24, xxix. 3, 10 f.? It certainly serves as a sufficient reason for some of the exceptional appearances of the Pl. in the Code: e.g. xvi. 1, against mutilation for the dead, and xiv. 4—20, on beasts clean and unclean. The former law shows other reasons for our doubting that it is original to Deuteronomy (see the notes); *v.* 2 is, then, a deuteronomic addition to it. The law on clean and unclean beasts is throughout foreign to the usual style of the deuteronomic Code, in other respects (see notes on it) than its use of the Pl.; the Sg. verse with which it opens may be either the original law of Deuteronomy on the subject or an addition by a deuteronomic editor when he incorporated this Pl. law in the Code. Other quotations coincident with the appearance of the Pl. are xvii. 16*b*, xx. 3. But, once more, we have in all these cases signs of compilation, not evidence of two distinct authors, one employing the Sg. and one the Pl. form of address.

We come now to the question of editorial additions or expansions, and here too we may be confident sometimes—though not always—of a measure of certainty; subject to this consideration that it is difficult to distinguish between an editorial addition and a quotation by the original author (e.g. iv. 23*b*, 24). What we have to ask is whether in Deuteronomy there are any occasional appearances of the Sg. in Pl. passages or of the Pl. in Sg. passages, in clauses which are separable from their contexts without disturbing the sequence of these, or still more whose presence itself disturbs that sequence. The answer is in the affirmative; there are such, but in the present writer's opinion not so many as sometimes have been alleged.

In the historical part of the First Discourse, i.—iii. 29, the Sg. passages are only seven or eight, all single clauses or brief sentences (see pp. 5 f.). Only one is an obvious intrusion, i. 31 *a*—*in the wilderness, where thou hast seen how that Jehovah thy God bare thee, as a man doth*

bear his son—separating the following clause from the conjunction *and* that introduces it. None of the rest is so clear. Ch. ii. 37 qualifies and is not necessary to the preceding context, yet there is no other reason for denying it to the same writer; its Sg. may be simply an unconscious inconsistency on his part. Ch. ii. 30 *b* is not necessary to the context but it is relevant and may just as well be due to the original writer as to a pious expander who desired to add a religious reason for King Sihon's obstinacy. In i. 21 and ii. 7 the hortatory temper rises to a degree at which (from what we have seen) it would be natural for the same writer to pass from the Pl. to the Sg. In iii. 22 the readings are doubtful; if Pls. be read their appearance, though Joshua is addressed, is natural (see note). The Sgs. in ii. 9 *a*, 18—25, 31 and iii. 2 are of course due to the address in these passages being to Moses himself: *Jehovah said unto me.* On the Pls. in iv. 34, clearly editorial, see above p. lxxvi.

In the hortatory parts of the Second Discourse, chs. vi.—ix. 7 *a* and x. 12—xi. 32, most but not all of the Pl. exceptions afford other signs than the Pl. of being additions or expansions. The opening verse, vi. 1, merely continues the Pl. of the previous narrative chapter; and the single Pl. clause in *v.* 3 *that ye may increase mightily* could not have been expressed so naturally in the Sg. Neither of these then is editorial. But the Pl. clauses in *vv.* 14 and 16 f. are probably so (see notes). In ch. vii. the momentary Pl. in *v.* 4, confirmed by the Versions, is curious; whether editorial or not who could say? In *vv.* 5, 7 f. the Pl. clauses (see note) are separable from the context, but the former is as possibly a quotation by the original writer as an editorial insertion. In *v.* 12 the Pl. clauses are superfluous and that in *v.* 25 may be the mistake of a scribe (see note); still it is curious that this and the Pls. in *v.* 5 occur just as the writer mentions heathen altars, images, and symbols, for we shall find other instances of this coincidence. In ch. viii. the only Pls. are *vv.* 1 and 19, common formulas and possibly editorial. In the Pl. passage x. 16—19 there are marks of expansion other than the Pls. (see the notes). The prevalence of the Pl. in the longish passage xi. 2—9 is (as we have seen) coincident with the re-appearance of narrative; there is no reason to doubt the unity of the passage with its Sg. contexts. But the Pl. clauses in xi. 10—15 are obvious interruptions of the theme of the passage, and those in *vv.* 18—25, 26—28 are formulas and separable—all probably editorial—yet those in 16 f. are not so easily accounted for (see notes to ch. xi. throughout).

In the Laws the Pl. clauses exceptional in Sg. contexts are very few. Some of them have already been explained (for xiv. 1, 3—20 see p. lxx; xvii. 16 *b* and xx. 2 *a* see note thereon). The rest may be confidently marked as editorial, see the notes on them: xii. 16, xiii. 3 f. (perhaps a loose quotation), 7, 13 *b*, xx. 18, xxiii. 4 *a* (may be a quotation), xxiv. 8 f. On ch. xxvii. 4 see note. In ch. xxviii. there are but four verses out of the sixty-eight with Pl. clauses; but in *v.* 14 we should read *thee* for *you*; in *vv.* 62, 68 the Pls. are explicable logically; those in *v.* 63 are less easy to explain, they may be editorial.

We see, then, that both in the Discourses and the Laws *some* of the short Sg. exceptions where Pl. prevails and most of the short Pl. exceptions where Sg. prevails may be regarded as secondary or editorial. But this is not true of all. Some are as natural as we found similar instances in Jeremiah to be. And as for the rest, which have no logical explanation and no sign that they are secondary, we must admit the possibility of inconsistency, arbitrary or unconscious, on the part of the original writer or writers. Note ix. 13 f., *it* and *them* as in Ex. xxxii. 9 f.; cp. xviii. 21, *thou* and *we*, and in xxvi. 15, *us* and *our* with the *I* and *me* of previous verses.

3. Next we have to inquire, whether—as has been alleged—the difference in the forms of address is at all coincident in Deuteronomy with differences of vocabulary and phrasing sufficient to indicate a difference of authorship. To be adequate the inquiry must cover these questions: (1) What phrases characteristic of Deuteronomy are common to the Sg. and Pl. passages? (2) Do any of the characteristic phrases predominate with the one or the other set of passages? (3) Are any characteristic words or phrases used *only* with the Sg. or *only* with the Pl.? (4) Are there any cases of different terms for the same idea being used with Sg. and Pl. respectively[1]?

[1] The analysis on which the following paragraphs are based was made in 1900 for my paper for the Society of Historical Theology before Professor Mitchell's analysis (see above p. lxxiv) reached me. For the most part we agree, but he registers some distinctions which are not clear enough to be enumerated in a discussion of difference of authorship. I have marked those that I owe to him. I have also carefully studied Steuernagel's lists on pp. xxxiii ff. of his *Deuteronomium-Josua*. The reader must keep in mind that these lists are not prepared on the same principle as those in the following paragraphs. By Sg. and Pl. I mean *all* passages of the Book in the singular and plural forms of address respectively. Steuernagel's Sg. and Pl. on the other hand are the two documents which he believes to have discriminated as running throughout the discourses and the codes, in which singular and plural forms prevail but are by no means constant. Nor can I agree with his very numerous estimate of editorial passages. With Bertholet I believe it to be very extravagant. Many items in it are founded on arbitrary grounds.

First, terms characteristic of Deuteronomy (see above §§ 2 and 6) found in both the Sg. and Pl. passages. Both speak of Israel as *fearing* God (Sg. at least eight, Pl. five times), *loving* Him (Sg. at least nine, Pl. three times), and *cleaving* to Him (Sg. x. 20, xxx. 20; Pl. iv. 4, xi. 22 secondary, xiii. 4 parallel to x. 20). Both use these phrases—*to take heed* or *beware* (Sg. iv. 9, vi. 12, viii. 11, xii. 13, 19, 30, xv. 9, xxiii. 9; Pl. iv. 23, xi. 16 and with other forms of the same verb ii. 4, iv. 15); *observe to do* (Sg. vi. 3, vii. 11, xv. 5, xvii. 10; Pl. v. 1, 32, xi. [22], 32, xiii. 32); *observe and do* (Sg. xvi. 12, xxiii. 23, xxiv. 8 *a*, xxvi. 16, xxviii. 13; Pl. iv. 6, vii. 12 secondary); *prolong thy* or *your days* and the like (Sg. iv. 40, [v. 16], vi. 2, xxii. 7, xxv. 15; Pl. iv. 26, cp. xxx. 18, v. 33, xi. 9); *which I am* or *Jehovah is commanding thee* or *you this day* (Sg. about nineteen, Pl. ten times); and both use *way* or *ways* in a spiritual sense (Sg. viii. 6, xiii. 5; Pl. v. 33, xi. 22, 28 both secondary, cp. ix. 12, 16). The two agree in usually employing the longer forms of the word for *heart*, *lebab* and of the first personal pronoun, *'anokî*; and in a very rare use of the shorter forms (see above pp. xvi, lv f. and note to xii. 30). Both have *the day of Assembly*.

Second, terms characteristic of Deuteronomy, found mostly with the Sg. and seldom or doubtfully with the Pl. Of Jehovah, *drawing to* (*hashak*), *choosing* and *loving* Israel (Sg. iv. 37, vii. 6, 13, x. 15?, xiv. 2, xxiii. 5?; Pl. only vii. 7 secondary), *redeeming* Israel (*padah* Sg. vii. 8 see note, xiii. 5, xv. 15, xxi. 8, xxiv. 18; Pl. ix. 26), *leading them all the way these forty years in the wilderness* and the like (Sg. ii. 7 but see p. lxxxi, viii. 2, 4, 15; Pl. xxix. 5 see note), *disciplining* (Sg. iv. 36, viii. 5; Pl. xi. 2) and *testing* (*nissah* or with *massôth*, *tests*, Sg. iv. 34 see note, vii. 19, viii. 2, 16, xxix. 2; Pl. only xiii. 3 but Pl. speaks of Israel *testing* God, vi. 16; and both use *nissah* in the sense *to attempt* or *assay*, Sg. iv. 34, Pl. xxviii. 56). Also these phrases—*lest thou* or *you forget* and the like (Sg. iv. 9, vi. 12, viii. 11, [14, 19], ix. 7, xxv. 19; Pl. only iv. 23) and *with all the heart and with all the soul* (Sg. iv. 29, vi. 5, x. 12, xxvi. 16, xxx. 2, 6, 10; Pl. xi. 13, xiii. 3 both editorial[1]).

Third, terms characteristic of Deuteronomy that are used only with the Sg. or only with the Pl. (*a*) *Only* with the Sg.:—of God, *a jealous God* (iv. 24, [v. 9], vi. 15, yet Pl. has *Jehovah and his jealousy* xxix. 20), *a devouring fire* (iv. 24, ix. 3), *a compassionate God* (iv. 31), *keeping covenant and true love* (vii. 9, 12, cp. v. 10); of Israel, *a peculiar people* (vii. 6, xiv. 2, xxvi. 18); of Egypt, *house of bondmen* (v. 6, vi. 12, vii. 8*b*, viii. 14, xiii. 5, 10; cp. *bondmen in Egypt*, v. 15, vi. 21, xv. 15, xvi. 12, xxiv. 18, 22); *to harden the heart* in a bad sense (ii. 30, xv. 7); *the land which Jehovah thy God giveth*, or *is about to give thee*, *for an inheritance* (iv. 21*b*, 38, xv. 4, xix. 10, xx. 16, xxi. 23, xxiv. 4, xxv. 19,

[1] Professor Mitchell adds *strong hand and stretched out arm*, Sg. iv. 34, v. 15, vii. 19, xxvi. 8; Pl. xi. 22. But the phrase varies much—see p. liv—and in ix. 29 Pl. we have *great might and stretched out arm*. Pl. uses *strong hand* alone (or with *greatness*) thrice iii. 24, vii. 8*a* editorial, ix. 26; Sg. vi. 21.

xxvi. 1; with Pl. applied to the people, *a people of inheritance* iv. 20, cp. ix. 26, 29); and several less important terms; *nashal, to drive off* (vii. 1, 22); *hadaph, to expel* (ix. 4, vi. 19); *haser, to lack* (ii. 7, viii. 9, xv. 8 and its noun xxviii. 48, 57), and the accumulation *tests, signs and wonders* (iv. 34, vii. 19, xxvi. 8 in part, xxix. 3; xi. 3 *signs and works*, Pl.). There are also several expressions peculiar to the Sg. laws; *to consume the evil* (*bi'er* thirteen times); *'ivvah, to desire* (xii. 20, xiv. 26, the Decalogue has the Hithpael v. 19), and its noun *'avvah, all the desire of thy soul* (xii. 15, 20 f., xviii. 6); and these formulas *wherefore I am commanding saying* or *this word* (xv. 11, 15, xix. 7, xxiv. 18, 22), *hear and fear* (xiii. 11, xvii. 13, xix. 20, xxi. 21), which *shall be in those days* (xvii. 9, xix. 17, xxvi. 3), *and it shall be a sin in thee* (xv. 9, xxiii. 22 f., xxiv. 15), *and he* or *she* or *they shall die* (xiii. 10, xvii. 5, 12, xviii. 20, xix. 12, xxi. 21, xxii. 21 f., 24 f., xxiv. 7[1]). (*b*) Characteristic terms used *only* with the Pl. are not nearly so many:—*hith'anneph, to be angry*, of Jehovah (i. 37, iv. 21, ix. 8, 20); the Pi'el of *'abad, to destroy* (xi. 4, xii. 2, 8 but with both Sg. and Pl. we find the Hiphil), *to make war upon* of Jehovah (i. 30, iii. 22, xx. 4), *shaḥath* in the sense *to deal corruptly* (Pi'el, ix. 12, Hiph. iv. 16, 25, xxxi. 29 while the Sg. uses Hiph. only in the active sense *to destroy*, xx. 19 f. of a thing, iv. 31, x. 10 of Israel; but cp. ix. 26 Pl.), in *consequence of obeying* (vii. 12, viii. 20) and *I*, *we* or *they turned* (i. 24, ii. 1, 8, iii. 1, ix. 15, x. 5), *at that time* (i. 9, 16, 18, ii. 34, iii. 4, 8, 12, 18, 21, 23, iv. 14, v. 5, ix. 20, x. 1, 8), and the construction of the verb *to be* with a participle (ix. 7, 22, 24 elsewhere only in xxxi. 27 in imitation of ix. 7 Bertholet). Some of these singularities are due, it is obvious, to the Sg. passages being mainly hortatory and the Pl. mainly narrative.

Fourth, very few are the instances of different phrases for the same idea according as it is conveyed in the Sg. or Pl. forms of address. But there are some. While with the Sg. Israel's passage to the Promised Land is almost constantly phrased as *when thou comest into the land*, or *the land whither thou art coming*—the participle (vii. 1, ix. 5, xi. 10, 29, xviii. 9, xxiii. 20, xxvi. 1, xxvii. 3, xxviii. 21, 63, xxx. 16), with the Pl. the idea is expressed by another participle, *whither ye are crossing to possess it* (iv. 14, vi. 1, xi. 8, 11 editorial, cp. xxvii. 2, xxx. 18 by the witness of the Samaritan and Greek; see also iii. 21 in the Sg. because addressed to Joshua and iv. 22). The exceptions are viii. 1 where *come in* is with the Pl. (editorial), ix. 1 where *cross* is in the Sg., and xi. 31 where *both* phrases are in the Pl. (editorial). Another, but insignificant case of difference is the Sg. *Be thou not afraid nor dismayed* (i. 21, xxxi. 8) for the Pl. *Be ye not startled nor afraid* (i. 29, xxxi. 6); cp. *Be ye not afraid nor disturbed nor startled* (xx. 3). On the alleged discrepancy between the *Amorites* of the Pl. passages and the full list of seven nations given with the Sg. address see above p. lvi. It has also been alleged that in the use of the various names given to the Law or laws there is evidence of a difference between the Sg. and Pl. passages,

[1] These last formulas I have taken from Professor Mitchell's list.

but the evidence is far from clear. (Titles, as obviously editorial, may be left out.) *Tôrah*, *Law*, is used in both (Sg. xvii. 11, 18 f., xxviii. 58, 61, xxx. 10; Pl. iv. 8, xxix. 21, 29). So is *Miṣwah*, *Charge* or *Commandment*, when used alone (Sg. viii. 1, xxvi. 13, xxx. 11, in xv. 5 and xix. 9 it probably refers to a single law; Pl. xi. 8, 22, the latter editorial, in v. 31 it is combined with *statutes and judgements*). So with *Miṣwôth*, *commandments*, when used alone and so with *hukkîm*, *statutes*, when alone (Sg. vi. 24, xvi. 12; Pl. iv. 6, xvii. 19). The double term *statutes and judgements*, by itself, is found once with Sg. and seven times with Pl. (Sg. xxvi. 16; Pl. iv. 1, 5, 8, 14, v. 1, xi. 32, xii. 1); preceded by *Miṣwah* it appears in one Sg. passage and two Pl. (vii. 11, and v. 31, vi. 1). But as *his statutes and judgements* it often occurs with the Sg. (iv. 40, xxvii. 10, or with the feminine of *statutes*, vi. 2, x. 13, xxviii. 15, 45, xxx. 10). The triple, *his commandments*, *judgements*, *and statutes* is found only with the Sg. (viii. 11, xi. 1, xxvi. 17, xxx. 16) but the other triple, *testimonies*, *statutes*, *judgements* (or *commandments*) occurs with both forms (Sg. vi. 20; Pl. vi. 17 editorial).

4. Are there any differences of attitude, temper or subject between the Sg. and Pl. passages?—beyond the one we have already observed, that the hortatory sections are generally Sg. and the narratives generally Pl. Several such differences have been asserted by various critics; and some of them justly. But for the most part their details are either explicable by the difference between exhortation and narrative or do not imply more than the presence in our text of editorial additions or expansions.

Professor Mitchell (*op. cit.*) feels a difference of temper between the Sg. and the Pl. passages, in that the Sg. appeal generally to the people's gratitude to God, the Pl. to their fear of Him. But surely the Sg. call upon Israel to fear and to remember the divine chastisements as much as the Pl. do, and it is with the Sg. alone that we find the expressions *a jealous God* and *a consuming fire*, and the formula *hear and fear*. If in enforcing obedience the Sg. passages linger *more* on Jehovah's love of Israel and His kind Providence—although they too mention *the terrors* of the wilderness, viii. 15—while the Pl. emphasise the awfulness of His revelation on Horeb, the instances of His wrath and the details of the people's sufferings (see above p. lxxxiv and i. 44, ii. 14—16, iv. 3, ix. 22); such a difference does not necessarily imply difference of authorship. It also is explicable by the fact, with which we are so familiar, that the Sg. address naturally prevails in the hortatory sections of the Book but the Pl. in its narratives. Except for their ideal treatment of the experiences of Israel in the wilderness the Sg. passages do not differ from the Pl. as to the facts of the people's past. Nor is there any difference of perspective. The Sg. which in one law uses the phrase *going forth from Egypt* of the actual night of Israel's departure, xvi. 3, 6 (cp. v. 1), also

uses it more loosely, as the Pl. does, of events well on in the wilderness wandering: xxv. 17 of Amalek, cp. Pl. xxiii. 4 of the coming to Moab; xxiv. 9, Miriam's leprosy.

Again it is true that while there is only one instance of the denunciation of *images* in the Sg. form of address, iv. 23 (and this possibly editorial), all other emphases on the sin of idolatry and commands to *destroy images* occur either in the longer Pl. sections, e.g. iv. 10—18, 25—28, ix. 8—22, xii. 2 f.; or—exactly as in Ex. xx. 23—in short Pl. sentences or clauses that break into Sg. contexts: e.g. vii. 5, 25*a*, with the following, against *going after* or *worshipping other gods*, vi. 14, xi. 16, 26—28. Also it is curious that the Pl. should crop up in the threats of the destruction of Israel attached to several of the Sg. denunciations of the worship of other gods, vii. 4, viii. 19, xxx. 17 f. Yet on the other hand we find the Sg. not only in frequent denunciations of the worship of other gods—e.g. besides those just quoted, iv. 19 against star-worship, xii. 30, xiii. 2, 6, 13 (the one Pl. here is probably editorial), xvii. 3 f., xviii. 20, xxviii. 14 (see note), 64—but in the law against Asherim and Pillars, xvi. 21 f., and warnings against other *abominations* of the heathen, xviii. 9 f., xx. 18, etc.; not to speak of v. 7—9, the deuteronomic edition of the Second Commandment. The conclusion is reasonable that while this evidence gives signs of editorial expansions it hardly amounts to a proof of the presence of two documents by different authors.

The evidence we have examined in this paragraph is very complicated—too complicated for any but moderate conclusions. It may point towards, it does not reach, certainty. Upon the strength of it we can indeed exclude certain opposite extremes. No sane mind could imagine that the two forms of address *always* indicate different hands or that the same writer might not use the one as well as the other, sometimes of purpose and sometimes with unconscious inconsistency. So wild a theory has never been proposed. On the other hand, no one can maintain that the difference between the Sg. and Pl. forms of address *never* indicates a difference of hand. In clear disproof of this is the fact that many of the exceptional Pl. clauses in Sg. passages and one or two of the exceptional Sg. clauses in Pl. passages bear other marks of being secondary. These are not merely the mechanical intrusions of formulas by scribes; many are more deliberate expansions or qualifications of the original by an editor or editors. There are even laws which, except for the single deuteronomic formulas attached to them, are at once in the Pl. address and give indications either

that they are of date later than the time of Josiah when the Code of Deuteronomy became operative, e.g. xiv. 1 against mutilation for the dead, or that they were reduced to writing by a legislator of a different style and school from those which produced the distinctive bulk of the Book, e.g. xiv. 3—20, on clean and unclean beasts. So far we are on firm ground; though some cases of editorial expansion or addition are necessarily doubtful others are clear. Can we go further and point to sufficient evidence for the presence in Deuteronomy of long documents (Staerk and Steuernagel) with shorter 'sketches and essays' (Staerk), distinguishable from each other mainly by their respective use of the Sg. and Pl. forms of address? As we have seen, the Book certainly offers evidence by other signs—the separate titles to the Discourses and the existence of doublets among the Laws—of its compilation from more than one edition of its original form. To this evidence the distinction between Sg. and Pl. has its own contribution to make, as in the fact that of the three statements of the cardinal law on the One Altar one is in the Sg. and two are in the Pl. But the attempt to trace separate editions throughout both Discourses and Laws mainly on the difference of Sg. and Pl. is upon the evidence we have examined most precarious if not utterly impossible. Steuernagel's division of the Laws into two different collections by his Sg. and Pl. authors respectively is carried through only by frequent arbitrariness and an extravagant assumption of editorial additions. Staerk's is hardly less arbitrary. As for the Discourses, we have seen that the distinction between Sg. and Pl. may often be more naturally interpreted as due to the difference between exhortation and narrative than as significant of difference of authorship. We must repeat—the Sg. prevails in the hortatory, the Pl. in the narrative, sections of the Book and not only so but a number of Sg. interruptions in Pl. sections coincide with the rise of the narrative to the pitch of exhortation, and some Pl. interruptions in Sg. sections occur where the exhortation becomes reminiscent and approaches the narrative style. But although all this is generally, it is not always, the case: signs remain of an inconsistence which, however, on the

evidence of other books, we must always allow to a writer. It is not true that there is any real difference of ethic or temper between the Sg. and Pl. passages (pp. lxxxv f.). It is true that there is some linguistic difference—that some phrases are found only or predominantly with the Pl. (pp. lxxxiii ff.). But here again much of the difference may be accounted for by the fact that one is mainly exhortation the other mainly narrative; what remains of linguistic difference is too slight to sustain the conclusion of a dual authorship. It is also true—and very curious—that in the Discourses *images* are denounced only in Pl. passages; yet both Sg. and Pl. frequently denounce the worship of other gods and many of the Sg. laws forbid the use of all heathen symbols and other *abominations* (p. lxxxvi). Besides, a number of the references to idolatry, peculiar to Pl., are due to the prevailing narrative of the Pl. sections—especially the account of the events on Ḥoreb. Steuernagel is hard pressed to find enough laws to carry out through the Code the iconoclastic fervour alleged to be peculiar to his Pl. introduction: he cites (p. vi) xii. 8–12, xvi. 21—xvii. 7, xxii. 5, xxiii. 18 f., in which there is no mention of images and the Pl. address occurs but once!

Thus all that a careful examination of Deuteronomy's use of the Sg. and Pl. forms of address yields to us is confirmation of the other evidence we have had that the Book is a compilation—not only in the sense that the materials of its Code have been partly drawn from other codes and ancient practices, nor only in the sense that both the Discourses and the Code have been expanded by editors and copyists, but that there were once different editions of the Code probably with different introductions,—yet whether these were from different hands the evidence of the Sg. and Pl. passages does not enable us to decide in full confidence.

§ 9. *Editorial Factors.*

The last of the cross-distinctions which run through all the divisions of Deuteronomy (§ 7) are those due to the compilers, adapters and annotators to whom we owe the present form of the

Book. That there are such secondary elements in Deuteronomy is admitted by even the more conservative scholars[1], who however do not sufficiently appreciate the amount of them. At the opposite extreme some critics—on arbitrary grounds and often in the interests of particular schemes of analysis—exaggerate the quantity of editorial matter[2], and identify editors to a number and to degrees of difference beyond the warrant of the data. But that some editors have been at work on Deuteronomy is at once clear from its text (as we have seen in the preceding Paragraphs) and no more than we should expect from the state of other books of the Old Testament.

Thus the JE narratives in the preceding Books of the Pentateuch have deuteronomic additions (Driver, *Exodus* in this series, pp. xviii, 192 ff.). The framework of the Books of Kings and the religious standard by which they review the annals of Israel and Judah are due to editors of that same school. Again, Chronicles are the re-cast of earlier histories by editors of another style who have increased the numerals and idealised some of the characters in their sources. And a comparison of the Hebrew text of the Book of Jeremiah with the Greek Version proves how long the process of revision and expansion persisted and how it even altered sometimes the range and direction of a prophet's message; for a striking illustration of which, in Jer. xxvii., see Robertson Smith, *OTJC*, 2nd ed. pp. 103 f.

But in Deuteronomy the task of distinguishing the later additions and enlargements is one of peculiar uncertainty; both because the style of the original itself is so prone to repeat and expand (§ 2) and because this same style and not another is also used by some of the editors. Therefore only a general indication of their work is possible, with however a number of its obvious instances. The editorial contributions to Deuteronomy must have included the following (in addition to the short insertions indicated in § 8, pp. lxxx ff.).

1. The compilation of the several editions (§ 10) with the re-arrangements to which parts of them have been subjected, e.g. the separation

[1] E.g. Dr Orr as quoted below p. 232; cp. *Lex Mosaica*, pp. 211 f. *notes* for the admission (by the Rev. J. J. Lias) that in other books of the O.T. there are interpolations by 'too zealous copyists.'

[2] E.g. Steuernagel, see above p. xii, footnote 2.

of the historical sections, chs. i.—iii. and ix. 7 *b*—x. 11 (perhaps also ch. v.), which we cannot doubt were from the same hand (§ 7) but in a chronological order now reversed. But who to-day may decide whether the original compilers of the Code or some later editors were responsible for the divorce of chs. xii. 29—xiii. from xvi. 21—xvii. 7, and for the frequent separation, in Part III. of the Code, of laws with a common subject (see pp. 155 f. below)? 2. Harmonising statements: these are very few, e.g. iii. 14 f., xvi. 8; their number has been exaggerated, see notes on xi. 29, xix. 8—10. 3. Antiquarian and geographical notes: e.g. i. 1 *b*—2, ii. 10—12, 20—23, iii. 9, 11, 13 *b*, xi. 30; unless those in chs. i.—iii. are to be held as part of that narrative in the 3rd person singular which Dillmann suggests was the original form of the historical introduction to the Code (see above p. lxi). 4. Expansions: (*a*) Of hortatory passages, such as in iv. 9—40, with the group of words characteristic of P in *vv.* 16—32 and the reflection of the Exile in *vv.* 29—31, also vi. 2 f., 14, possibly vii. 5, 7 f., 12 *a*, the Pl. clauses in xi. 10—13, parts of xi. 18—25 and of xxix.—xxx. (see notes); others would add v. 32 f., vii. 4 *b*, 16 *b*, 22, viii. 6, 14 *b*, 15 f., xi. 8, etc., but for reasons against this see notes; it is in the hortatory passages, where repetition and expansion are most natural to the deuteronomic style, that we find it most difficult and often impossible to distinguish between the original and the additions of editors or copyists. (*b*) Of narrative, as in i. 39 (tautologous in its present context and clearly borrowed from Nu. xiv. 31), iii. 15 and possibly but not probably ix. 22—24; the fragment, iv. 41—43, quite irrelevant where it stands, betrays merely the desire of an editor to preserve all the material at his disposal, similarly the first part of the fragment x. 6—8. 5. The introduction of laws later than the bulk of the Code: xiv. 1, 4—20 and perhaps xxiii. 1—9, to which some would add (but on insufficient grounds) most if not all of the rest of the laws in xxi. 10—xxv. (Budde, *Gesch. d. althebr. Litteratur*, p. 113); and in other laws the marks of the growth of priestly rights and influence beyond the deuteronomic standpoint (see pp. xxiii f.) such as the expansion of xviii. 1—5, *the priests* in xix. 17, *the priests sons of Levi* in xxi. 5, with perhaps xxvi. 3 f.: others include xx. 2—4 but see note. 6. The combination of Deuteronomy, thus compiled and expanded, with the other documents of the Hexateuch, J, E and P. Whether the editors who combined J and E were prior to, or the same as, those who compiled Deuteronomy is a question much discussed, and in the present writer's opinion impossible to answer. But there is little doubt that JE and Deuteronomy were combined by deuteronomic editors—note the deuteronomic additions to JE in other books of the Pentateuch, with such an insertion as that in Nu. xxi. 33—35 of part of Deuteronomy's narrative of the campaign against Og, ch. iii. 1—7. Finally *other* editors (for they use the phraseology not of Deuteronomy but of P) fitted the combined JE-Deuteronomy into P (see notes on chs. xxxi.—xxxiv.) and achieved our Hexateuch. To them we owe in whole or part the titles i. 1—5, iv. 44—49, xxix. 1 (Heb. xxviii. 69). On the subject

of this Paragraph see, besides the works cited in it, Robertson Smith, *OTJC*, 2nd ed. pp. 425, 430; Bertholet, *Deut.* pp. xxiv f.; Cullen, *Book of the Covenant in Moab*, pp. 1, 102, 182, 199 f., etc.; G. B. Gray, *Crit. Introd. to the O.T.* pp. 48, 50; Chapman, *Introd. to Pent.* pp. 42, 181 ff.

§ 10. *Conclusions as to Unity.*

We have now before us all the data on which to answer the questions stated in § 5 with regard to the Unity of chs. i.—xxx. Did these questions depend only on the language and style, the spirit and teaching (whether of facts or principles), their answers would not be difficult to find. In these respects we have found extremely little that is incompatible with the attribution of the Book to a single author and that little it is possible to explain as due to editors[1]. Further, the conspicuous originality of the style, with the personal tone of its address, points towards one heart and one pen as the ultimate source of Deuteronomy.

But when we turned from the language and the spirit of the Book to its structure, to the relations and internal arrangement of its main divisions, we found facts pointing the other way. The structure—it cannot be too often repeated—the structure and not the content of Deuteronomy is the difficulty in answering the questions of its unity. Under separate titles i. 5 and iv. 44—49, and divided not only by the latter but by the fragment iv. 41—43, are two discourses, both introductory to the Code but independent of each other, in the sense that neither refers to or seems to need the other (§ 6). The inference is that they contain, if they do not coincide with, introductions to the Code which once existed apart. Again, in the Epilogue to the Code, chs. xxvii.—xxx., there are discourses similar to but separable from each other (pp. 299 f., 306, 320). And within the Code, even

[1] On the few and slight differences in language see above pp. l, lv; on the absence of deuteronomic phrases from some of the laws, merely showing that the Code was compiled from several sources and received later additions see p. lxix. On the alleged discrepancies in fact see pp. lvi f. On the consistency of the teaching see § 3. On the work of the editors see § 9.

in the laws original to this—even in its most distinctive law of the One Altar, in ch. xii.—there are parallel but slightly variant statements of the same divine commands (pp. lxxi f.), just as is the case with other Hebrew laws including the Decalogue itself. Thus both the Code and the Discourses carry us to the conclusion that Deuteronomy i.—xxx. is a compilation of various editions. Even this, of course, is not proof of a diversity of authorship. Whether these editions were due to the same author or to a school of writers sharing one spirit, one purpose and one style, may be held to be an open question to which there is no certain answer (§ 5). The second alternative, however, appears on all the data, literary and historical, to be the more probable. The very imitable style was, we know, practised by many pens and spread through Hebrew literature. The distinctions in diction, such as that between the Sg. and Pl. forms of address, though in themselves insufficient criteria (§ 8), often coincide with other differences in suggesting a plurality of writers. In the next Paragraph we shall see how much there was in the circumstances of the time at which Deuteronomy was published to confirm this literary evidence that separate editions of the Book were once extant.

It is interesting that so conservative a scholar as Dr Orr has suggested a similar explanation of the origins of other parts of the Pentateuch. His words are these: 'singleness of plan and co-operation of effort in the original production' and 'the labour of original composers working with a common aim and towards a common end' (*Problem of the O.T.* pp. 354, 375). If the words 'in a common style' be added this description would nearly suit our evidence that there was more than one edition of Deuteronomy.

These editions have been compiled and interwoven in a manner, which, while it leaves segments of their outlines clear, renders us unable to distinguish them in detail. The differing results of the many attempts at their analysis (§§ 6 and 8 and below pp. xcvi ff.) prove that modern criticism is without the powers for so exacting a task. We can no longer adopt any of the various conclusions reached during the earlier stage of research (§ 6), which approximated on this, that the first forms of the Book were to be

measured by one or more of the main divisions of which it now consists. The lines of cleavage *within* these divisions, the difference between exhortation and narrative, the close affinity of the narrative portions of the two Discourses introductory to the Code, and the doublets in the Code itself, forbid such simple solutions of the problem. The narratives now separated, chs. i.—iii. (v. ?), and ix. 7 *b*—x. 11, all mainly in the Pl. address, appear to have originally formed one piece. Did this ever form a historical introduction to the Code separate from the hortatory pieces, among which it is now divided, chs. iv. 1—40, vi.—ix. 7 *a*, x. 12—xi.? For answer we have only these data: that the hortatory section iv. 1—8 is the natural continuation of the historical, i.—iii., with the same general use of the Pl. address; but that the historical ch. v. is clearly separable from, and the historical ix. 7 *b*—x. 11 is still more clearly an intrusion into, the rest of chs. vi.—xi. Again, as the parallel versions of the Law of the One Altar, ch. xii., exhibit, the distinction between the Sg. and Pl. forms of address did constitute one of the differences among the original editions of Deuteronomy. But how far was this distinction sustained? We have seen that it is impossible to answer (§ 8); the same author may have changed from Sg. to Pl. as he passed from exhortation to narrative or *vice versâ*. To sum up—the drastic re-arrangement of the original contents of the Book, the use throughout (with extremely few exceptions) of one style, and this by some even of the editors, the freedom we must assume for the same writer to use both forms of address, especially when combining narrative and exhortation (pp. lxxviii f., lxxxvii f.), conspire to render impossible an exact definition of the outlines and contents of the once separate editions.

But these *diversities of workings* are of slight importance compared with the Unity which animates and controls them—*in one Spirit baptized into one body*. That Unity is at once spiritual, practical and dramatic. The various forms of Deuteronomy and all the phases they exhibit have their source in the same truths, move towards the same ends, use the same method and style. Not only does the Unity of the Godhead

shine and beat throughout the Book to the dispersion of virtually every mist or shadow that might break it; but the Power, the Righteousness, and above all the Love of God compel the submission of every aspect and detail of life to their influence and draw out to Him an undivided devotion. It is the whole man for the One God!

Deuteronomy is also a Unity in that it expresses not only the experience of the nation from their origin onward through the centuries, but the soul of Israel, conscious of their distinction, roused to every foreign influence as the threat of their disintegration, and concentrating upon their spritual heritage and duties, since only by loyalty to these can they preserve their individuality as a people and prove their right to live. The *whole* Israel is here, as in no other book of the Old Testament—the whole Israel in its limitations as in its potentiality, in its sins as in its aspirations, in its narrow fanatic tempers as in its vision and passion for the Highest.

One other Unity haunts the reader. Imitable as is the style of the Book, it is yet so distinctive, so sudden in its appearance in Hebrew literature, and so personal in its address as to keep us wondering to what individual it owed its start and shaping. For every distinctive style may be traced—where the means exist for doing so—to the birth of a spirit and a rhythm in the heart of one man. It is but natural to believe that Deuteronomy is no exception to the rule.

§ 11. *The Ages of the Book and of its Contents.*

1. In the history of the complicated structure we have been examining, one year and one only is fixed: the eighteenth of the reign of Josiah or 621 B.C. when a *Book of the Law* or *of the Covenant* was found in the Temple, read to the king and then to the people, and adopted by them in solemn covenant, as the canon of certain religious reforms which they forthwith inaugurated. We have seen (§ 4) that this Book was some form of Deuteronomy. But in our inability to define the different editions

from which our Deuteronomy gives evidence of being compiled (§ 10) we cannot say which of these this Law-Book was or whether it was exactly any one of them, or whether the process of their compilation had already begun. Only this is clear from the account of the reforms, 2 Kgs xxiii., that the *Book of the Law* or *Covenant* must have included at least the following: one or more of the parallel statements in ch. xii. of the cardinal law of the Deuteronomic Code involving the destruction of the high places, and the confinement of sacrifice to One Altar (with the consequent permission to eat flesh not sacrificially slain on all places out of reach of that altar); some form of the law giving to the rural Levites the right to minister at the One Altar and to receive sustenance there, xviii. 1—8; some form of the Law of the Passover and probably of the other yearly feasts, xvi. 1—17; along with laws against idols, pillars and Asherim, and all impure practices, xii. 29—xiii., xvi. 21—xvii. 7. We may infer also the inclusion of the rest of the consequents of the cardinal law, viz. xiv. 22—29 on tithes, xv. 19—23 on firstlings, xix. 1—13 on cities of Asylum, and some form of xvi. 18–20 and xvii. 8–13 on the local and central judiciaries. Nor is there any reason to exclude from Josiah's Law-Book other laws which show no sign in their substance of being later than Josiah's time, especially if they are based on earlier codes or if their principles had been already enforced by the Prophets; with this caution that laws in Part III. of the Code[1] which are separated from previously occurring laws on the same subject may owe their separate position to the fact of their later inclusion in the Code. Josiah's Law-Book, too, most probably had an introduction and epilogue (like other Hebrew codes) relating its authority, expounding its principles, and describing the consequences respectively of obedience and disobedience to its orders. Not otherwise can we explain either its name, *the Book of the Covenant*, or how it produced its effects upon king and people. In order to create the situation and atmosphere which resulted from its discovery the Book must

[1] See below pp. 155 f.

have been a work of prophecy as well as of law, of principle and passion as well as of practical measures. It must have contained some form of the discourses now in chs. i.–xi., xxviii.–xxx.

A more exact definition of Josiah's Law-Book is impossible. Bertholet reasonably says (*Deut.* p. xix): 'everything is to be reckoned to the original Deuteronomy which is not on quite definite grounds to be excluded from the time of Josiah' and he describes this as all that can be proved to be drawn from the earlier prophets or from the codes in Exod. xxi.—xxiii., xxxiv., all that follows immediately from the premises of Deuteronomy, and what is presupposed by Josiah's reforms. As specimens of attempts at more exact definition the following may be quoted. Budde (*Gesch. d. althebr. Litteratur*, p. 113) :—'the "Grundstock" of chs. v.—xi. with the superscription iv. 45—49 [this surprises one in view of the composite character of these *vv.*], chs. xii.—xxi. 9 [he can hardly mean *all* ch. xii. and the other doublets], ch. xxvi. and a conclusion in Blessing and Curse essentially comprised in ch. xxviii.' Cornill (*Introd.* E.T. pp. 57 f.): 'xii. 1—xiii. 1 in a substantially shorter form, xiii. 2—19, xiv. 3, 21 *a* α*, 21 *b*?; xiv. 22—xv. 3; xv. 7—23; xvi. 1—8*, 9—20; xvi. 21—xvii. 7 (but in other places); xvii. 8—13*; xviii. 1—13; xix. 1—15, 16—20*, 21; xx. (minus, however, *vv.* 2—4, and 15—18); xxi.—xxv. (in part); and xxvi. 1—15' (the asterisk affixed to certain of these indicates revision or expansion). Much shorter editions than these are conceived by Cheyne (*Jeremiah*, p. 50) and by Chapman (*Introd. to the Pent.* in this series, p. 145).

A fuller review is required by the theory of Dr John Cullen in *The Book of the Covenant in Moab* (1903), one of the most original and searching of recent works on the subject. With the majority of later critics Dr Cullen recognises Deuteronomy as a compilation of several editions. But in contrast to most of them he finds its earliest form not in the Code but among the Discourses, in which he sees the necessary inspiration for Josiah's zeal and reforms, while he takes the Code (with some introductory matter) to be the result of the reforms. His arrangement of the former—called by him 'The Miṣwah' or Charge from the name which it frequently uses—is as follows: chs. xxviii. 69—xxix. 14; v. 2; iv. 10—16 *a*, 19—26, v. 29—viii. 18; xxvi.; viii. 19—ix. 6; x. 12—21; xxvii. 1 *b*, 3 *b*, 4 *a*, 5—7; xi. 8—28; xxviii. 1 *a*, 2 *a*, 7—14, 15, 20—25 *a*, 43—45; xxx. 11—20; Exod. xxiv. 4—8; Deut. xxxii. 45—47; while the latter, 'The Tôrah,' consists of chs. xii. 2—25, hastily put together, with an original environment—iv. 44, 45 *c*, 46 *a*, xxvii. 9 f.; iv. 1—4, xi. 31 f. and xii. 1 in the front of it; but after it iv. 5—8, xxvii. 11—14, xxviii. 2 *b*—6, 15, 16—19, xxvii. 26, xxxi. 9—13. The possibility of an analysis so exact is more than doubtful, and Dr Cullen achieves his results in absolute disregard of the different forms of address (above p. lxxv). Nor are his general arguments for separating the 'Miṣwah' from the 'Tôrah' and for taking the former as the cause but the latter as the precipitate of Josiah's

reforms convincing. He thinks (with others, above p. xlvii) that chs. vi.—xi. which form the bulk of his 'Miṣwah' are too long to have been a mere introduction to the Code; but, as we have seen (pp. xlviii, lxiii ff.) and as he admits, the original form of this Discourse was much shorter, and in any case Deuteronomy was never intended as only a code but also as a prophetic message, the expression of which would naturally be longer than a mere introduction. In chs. vi.—xi. he eliminates all reference to the Code by supposing that the phrase, *statutes and judgements*, wherever it occurs, was added only after the 'Miṣwah' and 'Tôrah' were combined; but for this there is no reason beyond the needs of his theory. Again, he pleads that the hortatory element is the original part of Deuteronomy, the Code being based on earlier laws; which is not a true antithesis, for while the Code, like others, has its sources in ancient custom and in laws already written down, it also contains the new and original law of the One Altar, ch. xii., and, among other consequents of this, equally new laws on the Levites and the Passover, the presence of all of which in Josiah's Law-Book is implied by the story of his reforms. Dr Cullen further argues that a code is more likely to have been the outcome of a revolution than its inspiration, for which we must look rather to a hortatory appeal; yet granted that the effect of the Law-Book on the King and people proves that it must have contained such discourses as we find in Deuteronomy, this does not oblige us to deny that laws accompanied the discourses; but on the contrary when we find some laws in the Code couched in the same style as the discourses and forming the practical application of their principles it is but reasonable to believe that from the beginning discourse and law were combined. Dr Cullen also appeals to Jeremiah vii. 21—23. This startling statement (confirmed by Amos v. 25)—that at the Exodus God did not charge the fathers of Israel concerning burnt-offering and sacrifice, but, that He might be their God and they His people, only charged them to obey His voice and to walk in all the way He should command them—certainly *agrees with* the theory that the Book found in the Temple was confined to general principles and contained no sacrificial laws. But the statement is not *conclusive proof* of this. Even if Jeremiah's words be taken literally as implying that *he* did not believe that God had given to Israel laws on sacrifice, this would no more prove that such laws were absent from the Deuteronomy known to him than that they were absent from the older code in JE. The prophet may be interpreted as protesting against their presence in Deuteronomy—or alternatively against the undue importance attached to them by his generation (which is all that can be inferred if his words be not taken literally). Even less convincing is Dr Cullen's use of Jer. xi. It is true that Deuteronomy is there named not as 'Tôrah' but as the *words of this covenant* (*v.* 2), *covenant* being frequently used in the deuteronomic discourses, and that it is described (*vv.* 3 ff.) in terms corresponding to Deut. xxix. 1—15; whereas the Code calls itself *the words of this Tôrah* (xvii. 18 f.) or when it mentions *covenant* (xvii. 2) may be alluding to some other work. But this last is not certain; and in any case 2 Kgs xxii. f. calls the Book

found in the Temple both *Tôrah* and *Covenant*. Besides if that Book was confined to Dr Cullen's 'Miṣwah' (as he argues) it is very strange that neither in 2 Kgs xxii. f. nor in Jeremiah it is called *Miṣwah*.—On the whole, while Dr Cullen presents an unanswerable case for the inclusion in Josiah's Law-Book of considerable sections of the deuteronomic discourses, and especially of chs. v.—xi., he fails to prove that the book did not also contain some at least of the Code.

King Josiah reigned till 608 when he fell at Megiddo. His reforms, begun in 621, probably took time to accomplish. They offended several interests and were certainly opposed. From Jeremiah xi. we learn of measures for the propagation of the Covenant throughout the land—*in the cities of Judah and the streets of Jerusalem*; and in Jer. viii. 8 the prophet exclaims to those who boast, *the Tôrah of Jehovah is with us!*—that the pens of the scribes are busy upon it even to the extent of *falsifying*. These things point to the possibility that some editions of Deuteronomy originated during the last twelve years of the king's reign. There is no reason to seek a later date for any of the substance of the Book. No part of it reflects the troubles which followed Josiah's death and confronted Habakkuk and Jeremiah with their problems. The phrase *alive as at this day* (vi. 24, cp. viii. 18) seems to imply that Israel was prosperous when it was written and to preclude the Exile. In view of the growth of Egyptian power and of the decline of Assyria after 625, the threat of a return to bondage in Egypt—echoing a frequent threat of the prophets—would be natural even before Pharaoh Necho's overthrow of Israel at Megiddo in 608; and it cannot be subsequent to his defeat by Nebuchadrezzar in 604[1]. The only fragments that require a later date are those which betray the hand of an editor (§ 9) or are written from the point of view of the Dispersion (e.g. iv. 29—31). Such fragments along with the secondary Laws (xiv. 1, 4—20, etc.), and probably the compilation of the editions and re-arrangement of their contents (§ 10), may be assigned to the Exile, the date also of the

[1] On Dr Kennett's conjectures of a later date see above, p. xliv.

deuteronomic composition of the Books of Kings. In any case the Law under which the Jews lived till the time of Ezra was the deuteronomic. Its influence is most apparent in the Book of 'Malachi.'

2. But how long before 621 are we to seek for the origin of the Law-Book then discovered? Here we discern only the possibilities of an exact date, and they extend over a century—from Josiah back to Hezekiah.

There are first the early years of Josiah's reign. In variance with 2 Kgs xxii., the Chronicler, 2 Chron. xxxiv. 3—8, states that Josiah, who had *begun to seek after the God of his father David* in the eighth year of his reign, *began* already in the twelfth year *to purge Judah and Jerusalem from the high places and the Asherîm and the graven and molten images.* But if this was so, what cause remained for the consternation of the King, which even the Chronicler imputes to him, on the discovery of the Book six years later? The story in 2 Kgs xxii. is more consistent, yet in view of Josiah's character and of the circumstances of the time, the previous dates on which the Chronicler fixes are significant. The eighth year of Josiah's reign was that of his adolescence, presumably also of the consecration of his strong will to the principles in which he had been trained, and the beginning of the influence that he undoubtedly exercised on his generation; while the twelfth year, 625 B.C., was the year of Ashurbanipal's death, which left Judah somewhat more free to manage her own affairs[1]. The memory of Manasseh's persecutions was such as to bind the ranks of the purer religion with the sense of their common danger from heathenism and to further that combination of prophetic and priestly ideals on which Deuteronomy is based. Thus all the conditions were present for the preparation of its programme, and accordingly many fix the composition of the first form of the Book between 637 and

[1] See the present writer's *Jerusalem*, II. pp. 201 ff., with references to Erbt, *Die Sicherstellung des Monotheismus i. vor-exil. Judah*, p. 8; Cullen *Bk. of the Covt. in Moab*, p. 17, and, so far as the character of Josiah is concerned, Cornill, *Das Buch Jeremia*, pp. xiii, etc.

621 B.C.[1] But this brings the origin of Deuteronomy very close to its discovery in the Temple. Does it not also involve Hilkiah and his colleagues of the priesthood in the secret of its composition and introduction to the place where it was found? None of the persons concerned in the discovery appears to have doubted the antiquity of the Book. The straightforward narrative in 2 Kgs xxii. contains no feature from which to suspect Hilkiah's complicity; and Deuteronomy itself bears witness to the contrary. The Code seriously diminishes the rights of the Temple priests, for example by diverting from them to the poor of the provinces the tithes of every third year (xiv. 28 f.). Moreover Josiah failed to secure the admission of the rural Levites to the ministry of the altar at Jerusalem (2 Kgs xxiii. 9), though this is enjoined in Deut. xviii. 6 f. Had Hilkiah and his colleagues been responsible for the form of Deuteronomy found in the Temple, they would surely have framed this section of the Code differently. But that only raises another question. The Book is manifestly the result of an effort to combine prophetic and priestly principles; if this effort took place in the early years of Josiah why was Hilkiah left out of it?

Therefore other critics, holding with Driver that 'the grounds for referring the composition of Deuteronomy to the reign of Josiah...are not decisive,' put it farther back during Manasseh's persecution of the adherents of the purer religion, about 670. They thus explain the anonymity of the Book, the author's deposit of it for safety in the Temple and the oblivion from which it was recovered in 621[2]. The objection to that date is that Deuteronomy shows no suggestion of such a schism as then existed in Israel, no hint that it was possible for Israel to break into two or that the loyal Israel ever suffered or could suffer persecution from a powerful party of heathen sympathies and habits. The Book reflects rather a situation in which the

[1] De Wette, Reuss, Kuenen, Wellhausen, Cheyne, Stade, Addis, Holzinger, Marti—and virtually Cornill and Bertholet.

[2] So, besides Driver, Ewald, Robertson Smith (*Additional Answer to the Libel*, p. 78), Kittel, and Ryle (*Canon of the O.T.* pp. 54 ff., 60).

Israel that is loyal to Jehovah is in authority, with power to punish individuals and communities given to idols. Though it would be absurd to deny the possibility, even under the cruelties of a Manasseh, of such confidence and hope as breathe throughout Deuteronomy, yet had the Book been composed in a time of national schism and of the persecution of a pious remnant by their fellow-countrymen, it could hardly, in its extreme sensitiveness to the other religious experiences of Israel, have escaped all marks of reaction against the bitterness and disgrace of this one.

Some therefore seek for the origins of Deuteronomy before Manasseh's time, and they find support in the anticipation of Josiah's reforms which is ascribed to Hezekiah (c. 725--685)[1]. We have seen that Hezekiah's measures must have been drastic[2] —for however short a time they endured—and that there is reason for including among them the destruction of the high places in Judah. For this powerful motives already existed and some precedents. King Asa (c. 913—823), besides destroying certain images and cults, concentrated in the Temple *the holy things* which he and his father had dedicated (1 Kgs xv. 9—15). Between his time and that of Ahaz the influence of the Temple steadily increased, and must have been further enhanced on the fall of the Northern Kingdom with all her shrines in 720, and the concentration of the hopes of Israel upon Judah. But it was Isaiah who fully revealed the religious significance of Jerusalem. *Jehovah* (these are his words) *had founded Sion* and had tended her growth as *a vineyard for Himself*. In spite of the vices of her people *Sion* was still *His dwelling* and *Ariel, the altar-hearth of God*. The Temple was the place of the manifestation of His Holiness; and to the eyes of the

[1] On the difficult questions of this reign, including that of a single *versus* a double deliverance of Jerusalem, see the present writer's *Jerusalem*, II. ch. vi. 'Hezekiah and Sennacherib.'

[2] Above, p. xlii. Winckler (*Keilinschriften des A.T.* 3rd ed. p. 221) calls them 'a thorough carrying through of Jahvism in its strict monotheistic significance, with a partial removal of other cults'; cp. Guthe, *Gesch.*, p. 223.

prophet the whole City was wrapped in a supernatural glory[1]. These are high sanctions for the measures ascribed to his ally the King. Unlike Jeremiah Isaiah does not denounce the high places; yet his visions of what Jerusalem, in spite of her delinquencies, still stood for in the purpose of the Almighty pointed the administrators of his day only less obviously than they did those of Jeremiah's day to the concentration of the worship of Jehovah upon the Temple. And his contemporary Micah predicts the destruction of Israel's *pillars and Asherîm* as of no more account than their *graven images*, which with Isaiah he also condemns (v. 10). These are good grounds for the credibility of Hezekiah's reforms; and on these grounds as well as on the fact that the religious and ethical truths of Deuteronomy had already been proclaimed by the prophets of the eighth century, many base their belief in the origin of the Book, or of some early form of it, during Hezekiah's reign[2]. The objections taken to this conclusion are, that Isaiah does not condemn the high places; that no law is connected with Hezekiah's reforms though his age was active in literary collection[3]; and that the

[1] *Jerusalem*, II. ch. v. 'Isaiah's Jerusalem.'

[2] Wesphal (*Les Sources du Pent.* II. pp. 269—286 and *The Law and the Prophets*, tr. by Du Pontet, 1910, p. 304); Oettli; König (*Einl.* p. 217), who fixes the date at 722 (720?), the fall of the N. Kingdom, and points to Isaiah's association with Uriah the Priest; the present writer in *The Critical Review*, 1895, pp. 339 ff.; Steuernagel (*Deut.* p. xiv), who dates the reforms soon after the downfall of Samaria and connects them with what he identifies as the earliest basis of the deut. Code. A more probable date is after 705 when Judah revolted from Assyria and before 701 when the Rabshakeh taunted the Jews with Hezekiah's *removal of the altars of Jehovah* and his confinement of the worship to the altar in Jerusalem. But for this we might conceive of the reforms as still more probable *after* 701 when the sanctity of Jerusalem was marvellously vindicated by her deliverance. J. E. McFadyen (*Introd. to the O.T.* pp. 55 f.) finds in the reforms the first impulse to the legislation which afterwards appears in Deuteronomy, but 'the Book in the main was written in the reign of Manasseh'; the 'more aggressive tone' of the Pl. sections he assigns to this reign, the passages of a milder tone to Hezekiah's.

[3] Prov. xxv. 1; cp. Isaiah xxxviii. 9 ff., 2 Chron. xxx. 1.

language of Deuteronomy is more akin to Jeremiah's than to that of Isaiah[1].

These, then, are the alternative possibilities for the date of the origin of Deuteronomy during the century before its discovery in 621. Each of the three reigns, Hezekiah's, Manasseh's and Josiah's, offers reason and occasion for the composition of such a Book. But in the case of each there are difficulties. To the present writer the difficulties seem greatest under Manasseh; but the truth is that we are without the means of deciding definitely upon any one of the three.

Taking, however, the century as a whole, 720—621 B.C., it is clear that the conditions for the production of the essential parts of Deuteronomy were in existence throughout; and that the urgency of the measures which it enforces grew with every decade. Not only had the basal truths of Deuteronomy—the Sovereignty, the absolute Justice, and the Love and Mercy of Jehovah, His special relations to Israel, their *holiness* and peculiar duties and destiny—been proclaimed by Amos, Hosea, Isaiah and Micah, but the accent, the tone and even some of the phrases which it employs to enforce these truths are the echo of theirs. The Book 'will certainly be best understood when read after Hosea and Isaiah. This at any rate is its historical position....One can hardly fail to see the teaching of Hosea reflected in both these points'—Deuteronomy's emphasis on love as the true relation of men to God and of God to men, and the humanity which its laws inculcate[2]. There had also been long need in Israel for that discrimination which Deutero-

[1] König (*Einl.* p. 217) admits this.

[2] A. B. Davidson, *The Theology of the Old Testament*, p. 360. He adds the 'holiness' of Jehovah, but on this see below pp. 108—110; where it is pointed out that Deuteronomy (in contrast both to Hosea and Isaiah) does not apply the term *holy* to God Himself. It must also be admitted that Deuteronomy differs from the prophets in other respects, e.g. it does not avail itself to the full of Isaiah's visions of the Divine Presence in Jerusalem. The definition, *the place which Jehovah your God shall choose out of all your tribes to put His Name there, even His habitation* is restrained in comparison with Isaiah's exultation in the glory of Ṣion.

nomy draws between true and false prophets (xiii. 1—5, xviii. 20 ff.); while its protests against trafficking with the dead (xviii. 11 f.) had already been made by Isaiah (viii. 19 f.). The worship *of the host of heaven*, forbidden in Deut. iv. 19, xvii. 3, of which there is no sign in Israel before Amos (v. 26), was introduced to Judah by Ahaz (2 Kgs xxiii. 12, cp. xvi. 10 ff., xvii. 16) and became lavish under Manasseh (2 Kgs xxi. 3, 5, cp. xxiii. 4 f., 11 f.); similarly with the rite of passing children through the fire (Deut. xii. 31, xviii. 9 f., 2 Kgs xvi. 3, xvii. 17, xxi. 6[1]. In short the whole century exhibits the conditions, the occasions, the mingled atmosphere of prophetic teaching and of heathen practice, with the heavy sense of a crisis between them[2], in, on, and under which both the spirit and the matter of Deuteronomy imply that the Book was conceived and composed.

There are other considerations. We have seen (§§ 2 and 3, especially pp. xvi ff.) that the retrospects in Deuteronomy are a selection with expansions from the narratives in J and E. Now these documents of the Pentateuch, though they have a common basis of date older than the Disruption of the Kingdom under Rehoboam (c. 970), were composed certainly after this event[3], and probably not till the ninth or even the first half of the eighth century. The composition of the historical surveys in Deuteronomy must then have been later. It is very significant also that of all the three codes of Israel Deuteronomy alone has a law of the King, and does not attribute to the chief priest the marks of royalty which P attributes to him[4]: this and the fact that Deuteronomy also alone has a law on the Prophet points clearly to a date under the Monarchy. And finally there is the evidence of the style. This is not only free from archaisms—except where primitive forms of words have been preferred because of their sonorousness—but 'in its rhetorical fulness and

[1] On this see *Jerusalem*, II. pp. 263 f., with notes.
[2] See Chapman, *Introd. to the Pent.* (in this series), p. 138.
[3] *Ibid.* p. 182, note.
[4] See above p. xxiv.

breadth of diction [the style] implies a long development of the art of public oratory, and is not of a character to belong to the first age of Hebrew literature[1].'

In answer to this argument for the origin of Deuteronomy in the eighth or seventh centuries we are sometimes pointed to the undoubtedly ancient elements which the Book, and especially its Code, contains. (*a*) It is true that the Codes in JE from which many of the materials of the deuteronomic Code are derived are older than the narrative portions of these documents; but as we have seen (p. xxii) there is a great difference between the economic conditions which the laws of JE and of Deuteronomy respectively reflect—a difference that can be accounted for only by 'a considerable interval of time in which the social and political organisation of the community had materially developed and the Code of Exodus [chs. xxi.—xxiii., E] had ceased to be adequate to the nation's needs[2].' This difference is conspicuous both in the laws which Deuteronomy has expanded or adapted from those of JE, and in the laws which are peculiar to itself—e.g. those on the King and the Prophet and of course those on the One Altar, and its consequences. (*b*) It is also true that the ancient character of some of the deuteronomic laws is proved by other evidence than that of JE—for example the law on wizards and witches, xviii. 11, cp. 1 Sam. xxviii. 3 for the time of Saul; and that requiring two witnesses, xix. 15, cp. 1 Kgs xxi. 10 for the time of Ahab—but these decide nothing against an eighth or a seventh century date for the compiler of the Code, who may have derived them from an earlier code or have been the first to reduce them to writing. Take an instance which seems to be even more indicative of an early date for a deuteronomic law than those just quoted. In 2 Kgs xiv. 6 f. it is recorded that in slaying the assassins of his father, King Amaziah (797—789) did not also slay their children. The editor of the history (deuteronomic be it remembered) says that the King acted thus in obedience to the deuteronomic law, xxiv. 16, which is not found in the other codes. But we know that Amaziah's merciful discrimination was an innovation upon the practice hitherto observed in such cases in Israel; and it is probable that the Deuteronomist was the first to articulate and codify its principle as a standing law for the nation[3]. Sometimes it is by such personal examples that national laws arise, and if we knew more of the details of the history of Israel we might be able to identify in the humane code of Deuteronomy other instances of the kind[4]. Laws with such an

[1] Driver, *Deut.* p. xlvii; König (*Einl.* p. 217) points out some forms of words (e.g. the feminine infinitives of strong verbs) 'which do not belong to the earlier literature.'

[2] Driver, *Deut.* p. xlvi.

[3] See *Jerusalem*, II. pp. 113 f.

[4] In *Lex Mosaica* (p. 39) Principal Douglas recognises how the legislation expands as the history opens up, and notes Nu. xxvi. 33, xxvii. 1—11, xxxvi. 1—12, Josh. xvii. 3—6, and the different laws on the Passover.

origin are no less inspired than those which some prophet heard the voice of God utter directly to his own soul. But the point before us is that, so far from proving that the deuteronomic code is earlier than Amaziah's time, 2 Kgs xiv. 6 f., when taken along with the practice in such cases prevailing before Amaziah, yields evidence that the Code contains laws which ripened comparatively late in the history of the monarchy. To this evidence we may add from the law against removing landmarks—to which there is no parallel in JE—the words *which they of old time set* (xix. 14; cp. Hosea v. 10) and the implication that *the bread of mourning* was ritually unclean, also not in JE (xxvi. 14; cp. Hos. ix. 4). But of course the outstanding instances of late law are the Law on the One Altar and its consequents (see above pp. xxiv f., xl ff. and below pp. cviii f., 159 ff.).

We cannot, therefore, avoid the conclusion that Deuteronomy was composed somewhere after the beginning of the reign of Hezekiah (725 B.C.) and before the discovery of one form of it in 621 B.C. With so general a result we have to be content. To trace the Book to any particular decade in that century is beyond our power. To attempt to allocate its different forms to successive decades is to play with the data. Modern criticism has no glasses, telescopic or microsopic, for so exact a vision.

Three points, however, may be stated with some confidence. *First*, it is probable that, if not the original form of Deuteronomy, yet some code or programme with similar aims came into being with Hezekiah's reforms. *Second*, it is certain that if Deuteronomy, with its distinctive style, originated as early as the eighth century it remained unknown till the reign of Josiah, for not until his time is its influence clear upon other literature. 'The early prophets, Amos, Hosea, and the undisputed portions of Isaiah, show no certain traces of this influence; Jeremiah exhibits marks of it on nearly every page; Ezekiel and Deutero-Isaiah are also evidently influenced by it. If Deuteronomy were composed between Isaiah and Jeremiah, these facts would be exactly accounted for[1].' And *third*, even if the Book was written in the early part of Josiah's reign there is (as we have seen) no evidence that the priest Hilkiah or his colleagues in the Temple had anything to do with its composition; while its contents afford not a little proof to the contrary.

[1] Driver, *Deut.* p. xlvii.

One other point must be repeated ; it still haunts us. Whatever the Book owed to the prophets it did not owe everything. The style is its own. The spiritual fruits of the past, the practical urgencies of the present, the memories, passions and hopes of both, are all tuned to a new and original rhythm—the gift we cannot but believe of one man to the literature of his people[1]. He remains as unknown to us as the author of the Book of Job or the great Evangelist of the Exile (Isaiah xl.—lv.).

3. Deuteronomy i.—xxx. nowhere claims to have been written by Moses[2], and if the evidence we have just adduced for its date in the eighth or the seventh century B.C. be sound, it precludes us, of course, from ascribing the Book to him. But in addition to the marks which these centuries have stamped so deeply on Deuteronomy there are other grave considerations against the Mosaic authorship. For we have seen not only that the narratives in Deuteronomy must be later than those in J E because on the whole they are based upon them ; but that the two documents state or interpret the same events so differently that we cannot imagine them to have been written by the same man, even though we assume that nearly forty years elapsed between his composition of the one and his composition of the other[3].

Take the most critical of these differences—that on the amount and character of the Law promulgated on Sinai-Horeb (above pp. xx. ff.). How are we to conceive that the same writer—and he the chief human actor in that awful scene—composed *both* accounts of it, that he could have said in one document, Deuteronomy (iv. 13, v. 22), that only the Ten Commandments and *no more* were given to the people from the Mount, but in

[1] Above, pp. xii f., xlvi, xciv.

[2] The only certain mention of the writing of *a law* or *tôrah* by Moses is xxxi. 9 : *and Moses wrote this law*. It occurs in a part of the Book admitted, even by conservative scholars, to have been compiled by the editors of the Pent. from several sources ; and the meaning of *this law* is uncertain ; probably it does not cover more than the Code.

[3] Which of course cannot be allowed, for the narrative of J E continues through the Pentateuch to the death of Moses and beyond this into the Book of Joshua.

another document E (Ex. xxiv. 3—8) that it was not the Decalogue but the detailed code of Ex. xxi. 23—xxiii. 19, written and publicly read, which formed the basis of the Covenant at Sinai? If, for the moment, Moses be assumed to have written or to have been responsible for E's account he cannot have been the author of the Discourse in Deuteronomy which contains the other account. The difficulty is not removed by the acceptance of Kuenen's theory that the legislation Ex. xxi.—xxiii. now assigned in our Pentateuch to Ḥoreb originally appeared in E as having been delivered in Moab; for if that be the case the discrepancy is only shifted from Ḥoreb to Moab. Instead of two accounts of the legislation on Ḥoreb we are left with two different Codes promulgated by Moses in the valley over against Beth-peor, Ex. xxi.—xxiii. and Deut. xii.—xxvi.

To this decisive instance it is hardly necessary to add two other differences between JE and Deuteronomy when treating of the same events. Describing the appointment of judges to assist Moses, Deuteronomy (i. 9—18) omits all reference to the origin of the proposal with Jethro (Ex. xviii. 13—26); and it gives a distribution of the last thirty-eight years in the wilderness which is different from that given in JE (see below p. 29, note introductory to ii. 1—8*a*). These differences are sometimes explained by the summary form of Deuteronomy's retrospects of the history and, in the case of the second, by the fact that we have not before us the complete narratives of JE. This may explain the first difference, but it is not adequate for the second: and the absence of Jethro's name from Deuteronomy is (as we have seen) but one instance of that Book's constant silence upon the indebtedness of Israel to foreigners: a silence indicative of a standpoint and a temper very different in this—as in many other respects—from those of JE.

Once more we must appeal to the cardinal Law of Deuteronomy, confining sacrifice to the One Altar. If Moses himself published that law to all Israel gathered in solemn Assembly, published it in his last hours and as one of the culminating points of his legislation, it is more than strange that for five or six centuries afterwards—especially when Israel had grown secure in Canaan and the Temple was built—the history of his people should reveal no tradition or memory of the fact, no sign of the existence of such a law; but that on the contrary some prophets

and leaders in Israel, like Samuel, Solomon and Elijah, continued to build altars and to sacrifice at many places in the land under the liberal sanction of the code in JE (see above pp. xl f.); while other prophets, like Amos, Hosea and Isaiah, though they expose the religious dangers of the high places, nevertheless nowhere suggest that these be abolished or that Israel's sacrifices be confined to a single sanctuary. The history of Israel shows rather, that the deuteronomic law of the One Altar was not prophetic but experimental—the fruit of an experience gradual yet at last so convincing that it replaced the good conscience with which the leaders of Israel built and sacrificed at many altars, according to immemorial practice and under the sanction of the ancient law in Exodus xxi. 24, by a stronger conscience of the fatal dangers which that freedom involved to the spiritual elements of Israel's religion. So also does history in the Old Testament explain itself. The law of One Altar for the One God came into being only when, and because, it was at last seen—as the prophets of the eighth and seventh centuries gradually came to see—that sacrifices to Jehovah at many altars, some of them once the shrines of other gods, distracted His people's sense of His Unity, subverted their ancient loyalty to Him, and, by confusing Him with those deities and mingling their rites with His worship, corrupted both religion and morality. In this bitter experience the law had its sources; its opportunities were the growing influence of the Temple to which His Ark had been brought, and the Assyrian destruction of nearly all other shrines in the land.

After all this it is hardly necessary to refer to some minor signs in Deuteronomy of an authorship later than Moses. Among these I do not include (as is sometimes done) the designation of *Eastern* Palestine as the land *on the other side of Jordan*, for this occurs only in titles that are admitted to be secondary, i. 1, 5, iv. 46 f., 49, or in other verses, iii. 8, iv. 41, which are probably also from the hand of an editor; and elsewhere, iii. 20, 25, xi. 30, the phrase *on the other side of Jordan* is applied to *Western* Palestine in harmony with the position of Moses in Moab. But the writer occasionally betrays a time-perspective which is that not of Moses but of a later age. Omitting ii. 12, iii. 8, 14 and xxiii. 4 (adduced by Driver, p. xlii) as possibly editorial, we find some slight indications of this later perspective in the use of the phrase *at that*

time for what had taken place only a few weeks or months before the speaker is made to use it: ii. 34 of the taking of Sihon's cities, iii. 4 of Og's and iii. 12 of both; cp. iii. 18, 21, 23. A stronger indication of the same is the phrase *as ye came forth out of Egypt* for events that happened far on in the period of the wandering in the wilderness, Miriam's death xxiv. 9, and the attacks of Amalek, xxv. 17. The perspective of these phrases is hardly that of Moses in Moab, but suits a later age when the *forty years* (viii. 2, 4) were foreshortened. On the whole the authors of Deuteronomy have remained true to the standpoint of Moses but in these moments their dramatic consistency appears to fail. Cp. what is said above (p. xcviii) on vi. 24, viii. 18, *as at this day*.

The defenders of an early date for Deuteronomy appeal to its commands to give no quarter to the Canaanites (vii. 1—5, xx. 16—18) or to Amalek (xxv. 17—19) as meaningless and futile in a work of the eighth or seventh century when Israel's danger from these peoples had wholly disappeared, and therefore as signs that the date of Deuteronomy must be far earlier. But both these commands, repeated from JE (Ex. xxiii. 31*b*—33 and xvii. 14—16), are natural to the author's presentation of Moses as the speaker, and they are not purposeless in a Book designed to warn off Israel not only from idolatries introduced from Assyria and Babylonia but from those of Canaan which exercised all the greater fascination that they were native to the soil on which Israel lived and were bound up with its agriculture. It is interesting, too, that the Amalekites are mentioned in 1 Chron. iv. 41—43 as still active in Hezekiah's time.

§ 12. *Resulting Questions and their Answers.*

The evidence adduced for the age of Deuteronomy—adduced from itself and other parts of the Old Testament—raises some questions, the answers to which constitute the concluding task of this Introduction.

If the Book be so late a work, embodying in its legislation the results of Israel's long experience of settled life in Canaan, and inspired by the prophets of the eighth century, why did its authors not express themselves accordingly? Why did they not give a retrospect of that gradual development with the results thereof; and—appealing (as Amos does) to God's continued Providence for His people since He planted them in the land but especially to His last revelation through the Prophets—proclaim in His Name that those results of His Providence and that supreme Word now replaced all laws previously delivered? Why

was Deuteronomy rather cast in the form of Discourses and a Code said to have been delivered before Israel had even begun the settled life, upon the experience of which the Code especially is based? Why did the authors, deriving their immediate inspiration from the prophets of the eighth century, go behind these and back to Moses as the authority and the mouth of their doctrine?

We may answer at once that the form in which the Book is cast was not merely (*a*) usual under the literary custom, and (*b*) conditioned by the mental habit, of its age; but (*c*) is justified historically by the facts of Israel's origin and earliest organisation under Moses, and by the persistence of his influence, both as Prophet and Lawgiver, down to the days of the authors. Of these considerations the first two need not long detain us; the third, the historical, is the one of most importance.

(*a*) It has often been emphasised, and justly, that the form adopted for Deuteronomy—of making Moses the speaker throughout—was a literary form prevalent in ancient times and employed by other historians in the Old Testament. In the Books of Joshua, Kings and Chronicles speeches are quoted as if they were the very words of early leaders in Israel, which nevertheless betray their composition by the historian himself, through being in the same style as the narratives in which they occur and containing phrases and even ideas that are distinctively late[1]. This use of the dramatic imagination not only in the reproduction of history, but in the criticism of old truth and the presentation of new, finds its supreme illustration in the Book of Job. There are many instances in other literatures.

Driver, besides giving the instances just cited, refers to Plato, Dante, Shakespeare and *Paradise Lost* (*Deut.* p. lviii). Cornill says: 'The author only did what all historians have done, and to speak of his work as a literary fraud is out of the question; indeed it cannot be described even as pseudepigraphic' (*Einleitung* § 9, 5). But this opinion is not confined to critics who agree with Graf and Wellhausen. It is virtually accepted by a scholar whose independent work is characterised by op-

[1] Driver, *Deut.* p. lviii.

position to many of the positions of modern criticism, Professor James Robertson. He makes the following interesting observations. 'It is remarkable that he [Wellhausen] and many like-minded have not taken note of the peculiarity of the Hebrew language that has not developed what we call the indirect speech—a peculiarity which necessitates the regular introduction of speeches or addresses....The absence of the indirect speech in Hebrew can be made quite clear to the English reader by a reference to any page of the historical books. If a writer wishes to say that one person made a verbal communication to another, he must say, "So-and-so spake to So-and-so saying," and must give the *ipsissima verba*. And yet, strictly speaking, the writer is not to be taken as vouching for the actual words spoken. He is simply producing, in the only way that the laws of his language allow him to produce, the substance of the thing said; and from beginning to end of the O.T. writings, the language remained at that stage, only the faintest attempts to pass beyond it being visible' (*Early Religion of Israel*, pp. 422 f.; cp. *Expositor*, 2nd series, VI. pp. 241 ff., 'Graphic Element in the O.T.').

(*b*) A deeper reason for the form of Deuteronomy is the unfamiliarity of the idea of development to the mind of the ancient East. That mind fixed upon results rather than processes, to the significance of which it has taken ages of research to awaken ourselves. Things, which we know came into being only gradually, appeared to early man—appeared indeed till recently to our own fathers—as the offspring of a word, of a moment. This was especially the way of the Semite, ever absolute in his thinking as in the expression of his thought. Just as he described physical phenomena, now known to be of long development, as having happened instantaneously, or as the first of Genesis puts it in *a day*; so similarly did he describe results that were religious or moral. Does he present the creation of the Universe as the act of the Word of God on seven successive days? So also does he present Deuteronomy, the fruit of centuries of the Spirit's influence on Israel, as the utterance in one day of Moses. The Oriental finds it difficult to conceive of authority except as personal and immediate. Whether in his philosophy or in his politics he ignores secondary and gradual causes.

(*c*) But these literary and psychological reasons for the form of Deuteronomy are of minor importance to the historical ones. Based, as it is, on the long experience of settled life in Canaan

and inspired by the prophets of the eighth century, the Book has valid reasons *in fact* for going behind those prophets for the source of its principles and even behind Israel's history in Canaan for the authority of its laws—and for finding that source and that authority in Moses himself.

In proof of this we have first of all certain general indications in the history of Israel immediately subsequent to their settlement. These all point to the fact that the years of Moses had been the creative period in the national history; that *then* the nation was made, that *then* the several tribes of which it was composed were drawn to each other because drawn and covenanted to the same God. Their unity, which was sealed by the institution of the monarchy, was not, like the latter, created after their settlement. On the contrary, as the Book of Judges and especially the Song of Deborah testify, their occupation of Canaan at first disintegrated a union previously achieved. The tribes became separated by the geographical divisions of their settlement and by the diverse directions of culture along which these attracted them. The one bond which prevailed over such distractions was a common feeling of duty to Jehovah; and this community of faith—weakened by the physical and religious temptations of times of peace but always roused again by a call to war—they owed to Moses and to his conduct and discipline of them through the wilderness. Israel were one because they were Jehovah's people and Jehovah the God of all of their tribes; and this had come about through their first, and to the end their greatest leader. In all Israel's history nothing is more certain than that Israel's unity was to begin with a religious unity and that Moses was its mediator.

The reader will find confirmation of this argument in the reasons given in this series by Dr Driver, *Exodus*, pp. 413 ff., for believing that the distinctive character of Israel's religion had been operative from the origins of the nation onward. 'If the religion of Moses had not differed, in some *distinctive* feature, from the ordinary religions of antiquity, it is impossible to understand why, when the Israelites entered Canaan, and intermingled, as in many cases they did intermingle, with the native Canaanites, it was not merged and absorbed in their religion.' He

quotes from Mr Montefiore's *Hibbert Lectures* for 1892, pp. 46 f. : the 'successful resistance to Canaanite polytheism...would surely not have been possible unless the Yahweh whom Moses taught differed from the Canaanite deities, not only in his numerical uniqueness, but in his higher and more consistent ethical character....We are therefore entitled to doubt whether the exclusive worship of the national God would ever have been ordained, had there not lain in the original conception of Yahweh the "promise and potency" of the monotheism of Amos and Isaiah.' And in turn Mr Montefiore quotes Professor Kamphausen: 'I recognise in the fact that the small number of Israelites was not absorbed by the Canaanites, who were by far their superiors in all matters of external culture, a convincing proof of the ethical power of the Yahwistic religion.'

But again, the Prophets themselves pointed their deuteronomic disciples back to Moses. Amos delivers this message: *I brought you up out of the land of Egypt and led you forty years through the wilderness, to possess the land of the Amorite* (ii. 10). Jehovah's *knowledge* of Israel, begun then, had been their distinction from other peoples, the secret of their individuality and of their present moral responsibility (iii. 1 f.). Hosea puts it more vividly. He recalls the days of Israel's *youth*, when she *came up out of Egypt*, as a time of loyalty to *her first Husband*, before the temptations of Canaan drew her away after her paramours the Baalim; and he conceives of her regeneration as possible only by a return to the conditions and atmosphere of the days of the wilderness (ch. ii.). Or changing the figure he says that *when Israel was a child* Jehovah *loved him and taught him to walk* and *took him in his arms* (xi. 1—3). *I am Jehovah thy God from the land of Egypt, thou knewest no God but Me, and beside Me there is no Saviour; I did know thee in the wilderness, in the land of great drought* (xiii. 4 ff.). But the wealth of Canaan and its Baalim and graven images have drawn away the heart of the people (*passim*). Israel *has forgotten his Maker* (viii. 14). As Isaiah says: *The ox knoweth his owner, and the ass his master's crib: Israel doth not know, My people doth not consider* (i. 3). But these are the very affections, the discipline, the warnings, which Deuteronomy makes Moses enforce in the Name of Jehovah. Does Hosea affirm that the one thing needful for Israel in Canaan, if she is to be restored to her

God, is that He should once more *woo her, bring her back into the wilderness, and speak home to her heart* (ii. 14)? That is just what the Spirit does in Deuteronomy. Hosea's words exactly fit the aim, the form and the temper of this Gospel. Back to the wilderness days, back to the first wonder and grace of God's choice and care of this people, back to the loyalty and trust thus evoked, back to the discipline which kept them pure—back to the feet of Moses, as he pleads and urges it all!

So much in justification of the general aim and temper of the Book. Not very different is the case for the specific doctrines which Deuteronomy listening to the prophets hears the voice of Moses himself proclaim. The prophets do not profess that the doctrines which they bring to their generation are new[1]. Their burden is to recall and enforce the old; they give *no new commandment* but *an old commandment* which the people had *from the beginning*, when *by a prophet Jehovah brought Israel out of Egypt and by a prophet was he kept*[2]. That Jehovah is the One and Only God for Israel, their Chooser, Redeemer, Father, Husband and Guide; that He is utter Righteousness and Love, that He requires these qualities from them towards Himself and towards one another; that He is the source of all law and authority in peace and war, the King and Judge of His people, and that their life as a nation lies in loyalty to Him and to the ethical truths He has revealed—such are the specific doctrines which the prophets tell their generation they ought to have known but have forgotten. It cannot be denied that at least the substance of these doctrines had been first delivered by *the prophet* Moses in terms of the experience of the forty years of his leadership through the wilderness[3], or that Deuteronomy is therefore historically justified in putting them into his mouth as his last testament to his people in view of their immediate passage

[1] Till the prophets break into the Exile with the good news of Israel's restoration they do not use the phrase *new things* for the contents of their message.

[2] Hosea xii. 13. It is singular that before Jeremiah no prophet mentions Moses by name.

[3] See above p. cxiii.

to new conditions that would sorely tempt their faith and loyalty. But equally clear and equally justifiable is the fact that, in the light of God's subsequent Providence and especially of the teaching of the prophets the Book has much developed and expanded whatever expression Moses himself may have given to these doctrines. This is clear for instance in the emphasis which it lays on the love of God to man and of man to God as compared even with the utterances of Moses in JE[1]. Were it otherwise, the leading of the Divine Spirit since Moses died had been in vain. It is the duty of every scribe, who has been made a disciple to the Kingdom of Heaven to bring out of his treasure things *new* as well as old. This being understood, the ascription to Moses himself of the specific doctrines which Deuteronomy inculcates is amply vindicated from the history of the origins of Israel as interpreted, or implied, by the prophets of the eighth century.

But the Deuteronomists had before them credible witnesses to these origins other and earlier than the prophets. The retrospects of the wilderness which they put in the mouth of Moses are (as we have seen) based upon the narratives of J and E in Exodus and Numbers; documents of a date somewhere between David and the eighth century[2]. Of the age of their sources we have no clear evidence. That these were partly written but *mainly* oral is apparent from the infrequency with which J and E refer to a written source[3]; as well as from the differences between them in detail which are such as arise in the course of oral tradition. But whatever the date of their sources—and the tendency of recent criticism has been to increase the emphasis upon their antiquity—the general credibility of J and E cannot be denied. As Dr Driver says in this series[4], 'it is hypercritical to doubt that the *outline* of the narratives which have thus come down to us by two channels is historical.' They 'cannot but embody substantial elements of fact,' which 'cannot be called in question by a reasonable criticism.' He proceeds to state them; they are practically

[1] See above pp. xxvi f.
[2] Above p. civ.
[3] E.g. Ex. xvii. 14, xxiv. 4.
[4] *Exodus* p. xliv.

the same as those which we have seen implied by the history of Israel immediately subsequent to the settlement in Canaan; and they are all that is necessary to prove a sufficient basis of fact for the retrospects of Deuteronomy and the exhortations arising from these. In particular the witness of J and E to Moses himself, to his influence on the people, and to the character and effects of the Divine revelation which he brought to Israel, is indubitably strong and trustworthy.

There remain only the laws. The tradition in Israel that Moses was a Law-giver as well as a Prophet is too constant, too weighty and we may add too varied to leave us in doubt. The habit of ascribing to him every new code, however recent might be some of its contents, is in itself proof that he laid the basis of legislation for his people. But the tradition is confirmed by the facts that Israel received through him, at the very least, a new and a powerful impression of the Deity and in consequence their first national organisation. Events so signal, so distinctive in the Semitic world, and—as we have seen from the early history of Israel in Canaan—so potential in religious and political results, cannot have happened without leaving in their own time some precipitate in the shape of statutes and judgements whether oral or written. Further, there are parts of the bodies of law in the Old Testament which offer no reason whatever against their origin under Moses. There is, as we shall see, the original form of the Decalogue[1], and there are other instances in the codes of J and E. But for our present purpose it is best to leave the question of single instances of Mosaic *torôth*, and to follow these general considerations.

We will remember that of every code of national law two things are true—the high antiquity of its origins, the gradual development of its ultimate contents and form. The codes of Israel are no exception.

In the *first* place much of the jurisprudence of the Old Testament is obviously even older than Moses. The tribes which

[1] Below pp. 84 f.; cp. Driver's *Exodus*, App. II.

came up out of Egypt and which he first welded together had already a considerable amount of consuetudinary law : of principles and of practice—in both of what we distinguish as religious and civil law, but to them all law was religious—of immemorial origin. This is clear from the fact that some of the principles acknowledged in the Mosaic codes as well as many of *the statutes and judgements* are not peculiar to Israel. but common to all peoples of the Semitic stock. One example is the principle of *life for life*, *eye for eye*, *tooth for tooth*, *hand for hand*, with the consequent tribal duty of the vendetta[1], and measures for its control and regulation, attempts at which are universal in the Semitic world. There are the principles of communal responsibility for crimes committed in the communal territory[2], and of the ethical solidarity of the family[3]. There are the principles of judicial procedure, for example the authority of the local or tribal elders—what we should call civil courts of the first instance —with an appeal on all harder cases to the Deity's representative either at a local sanctuary, or at some central and famous one[4]. The god was ever regarded as the ultimate judge of his people. There are other instances of civil and criminal law common to Israel and her Semitic kindred to which attention will be called by the notes on the text. But above all there was the common system of sacrifice, with the observance of the same annual feasts, the same devotion of the first-born of men and cattle[5], and many identical or nearly identical forms of ritual and religious symbols. In virtue of their Semitic descent Israel had inherited all these. Moses did not create them ; and in this negative certainty we may find the explanation of the startling statement of some prophets—made, we must remember, before the sacrificial codes of P were formed—that God gave no commandments to Israel in the wilderness concerning burnt offerings and sacrifices[6]. As they came out of Egypt Israel practised the system of sacrifice as well as of social justice and criminal law which

[1] See below on xix. 21, and the note on p. 246.
[2] P. 251. [3] Pp. xxxiv and 282. [4] Above p. xxxii.
[5] See p. 206. [6] See above p. xcvii.

they had derived, and can have little modified, from the customs of their Semitic ancestors. But upon all that consuetudinary law there descended, to a degree unique in the Semitic world, the higher ethical influences of the revelation which God had made of Himself and His Will through Moses. These must have altered the Hebrew heritage of custom, law and ritual. We know that they did. The proof is clear from the purer and more humane forms which that heritage assumed in the legislation of Israel. We cannot deny the beginnings of such a change to Moses, nor doubt that these beginnings were expressed in restatements of ancient custom, rite or statute, whether oral or, as the tradition says, written down[1].

But, *secondly*, it is equally certain that Moses did not complete the elevating and purifying process. By Israel's living faith in a living God this continued through the subsequent centuries. We have seen its effects in the appearance of new and more humane laws sometimes arising from the example of individuals[2]; in the adaptation or expansion of older laws to suit new economic conditions[3]; in the wider and more thorough application of a moral principle as when it is extended, as it is frequently by Deuteronomy, from outward action to the region of thought and motive[4]; and in laws abolishing rites or symbols, which had been used with a good conscience by earlier generations[5], but were now proved to be temptations to worship the other gods, in whose honour they also served, and to confuse them with Jehovah. The real danger to the spiritual elements in His religion came from the ritual, so many points of which it shared with other cults. If the Deuteronomists did not abolish the ritual, as some of their teachers the prophets seem to have desired, they at least purified it of its worst features and brought its practice under control and safeguard by confining it to one sanctuary.

[1] For a list of laws common to JE and Deuteronomy see pp. xvii, lxvii.
[2] Pp. cv f.; and the laws in which women are concerned.
[3] Pp. xxii and cv.
[4] On the developed ethics of Deut. see above pp. xxxii—xxxviii and on the 10th Commandment.
[5] E.g. the pillars and Asherîm and certain mourning customs.

So doing they not only, as the following centuries proved, made it serve the doctrine of Jehovah's unity as the only God for Israel, which there can be no doubt that Moses proclaimed; but they also brought the ritual back round his Ark, and more nearly to the purer form it must have assumed in the conditions of the wilderness.

Hence the sincerity, the vitality, the power of the work of these reformers. Deuteronomy is a living and a divine book, because, like every other real reformation it is at once loyal to the essential truth revealed in the past, while daring to cast off all tradition, however ancient and sacred in origin, that in practice has become dangerous and corruptive; vigilant to the new perils and exigencies of faith and receptive of the fresh directions of the living God for their removal or conquest.

But that is not all nor nearly all. While so nobly serving its own age and establishing a discipline that with all its limitations —and indeed partly because of these—preserved and trained Israel for their mission to mankind, Deuteronomy gave utterance to truths which are always and everywhere sovereign :—that God is One, and that man is wholly His, that it is He who finds us rather than we who find Him; that God is Righteousness and Faithfulness, Mercy and Love and that these also are what He requires from us towards Himself and one another; 'that His Will lies not in any unknown height but in the moral sphere known and understood by all' (xxx. 11—14). Thus in the preparation for Jesus Christ Deuteronomy stands very high. Did He not Himself attest the divine authority both of its doctrine and of its style by accepting its central Creed as the highest and ultimate law not for Israel only but for all mankind (Mark xii. 28—30, Deut. vi. 4, 5)?

List of the Principal Abbreviations employed

D. Deuteronomy, chs. i.—xxx. For reasons given in the Introduction, especially in Paragraphs 2, 3, 5—11, it has not been found possible to distinguish the various original editions from which the Book has been compiled.

D.B. *A Dictionary of the Bible*, edited by James Hastings, D.D. (1898—1904).

E. Elohist, the name given to one of the constituent documents of the Pentateuch.

E.B. also *Enc. Bibl.* *Encyclopaedia Biblica*, edited by T. K. Cheyne, D.D., etc., and J. S. Black, LL.D. (1899—1903).

E.T. English Translation.

Ethn. Ber. *Ethnologischer Reisebericht*, being Pt. III of *Arabia Petraea*, by Alois Musil (Vienna, 1908). *Moab* and *Edom* form Pts. I and II of this work.

Hex. Hexateuch, i.e. Genesis to Joshua.

HGHL. *The Historical Geography of the Holy Land*, by George Adam Smith (Seventh Thousand 1897, and subsequent editions).

I.P. *An Introduction to the Pentateuch*, by A. T. Chapman, M.A. (Cambridge, 1911, in this series).

J. Jahwist or Jehovist, the name given to one of the constituent documents of the Pentateuch.

JE. The combination of J and E.

KAT^3. *Die Keilinschriften und das Alte Testament*, 3rd edition (1903), by H. Zimmern and H. Winckler.

OTJC. *The Old Testament in the Jewish Church*, 2nd edition, revised and much enlarged (1892), by W. Robertson Smith.

P. Priestly Writer or Writing, one of the constituent documents of the Pentateuch.

PEFQ. *Quarterly Statement* of the Palestine Exploration Fund founded in 1865. (London.)

Pent. Pentateuch.

Pl. Passages of Deuteronomy in the Plural form of address—see Introduction, § 8.

Sam. Samaritan Text of Deuteronomy.

SBOT. *The Sacred Books of the Old* [*and New*] *Testaments, a New English Translation*, edited by Paul Haupt (1898 onwards).

Sg. Passages of Deuteronomy in the Singular form of address—see Introduction, § 8.

ZATW. *Zeitschrift für die Alttestamentliche Wissenschaft.*

ZDPV. *Zeitschrift des Deutschen Palaestina-Vereins.*

The principal works referred to are designated in full in the Introduction and the footnotes to it, or in the following Notes on the Text.

No maps accompany this volume; the reader is referred for the geography relevant to Deuteronomy to the *Atlas of the Historical Geography of the Holy Land*, designed and edited by George Adam Smith and prepared under the direction of J. G. Bartholomew (1915), and in particular to the following maps therein:—Nos. 7 and 8, 'Egypt and the Sinai Peninsula'; 11 and 12, 'Palestine-Orographical'; and 29 and 30, 'Moab and Dead Sea.' In the last the water-courses of Southern Moab are given according to the most recent surveys; and the names of most of the places mentioned in Deut. i.—iii. have been inserted.

DEUTERONOMY

THE FIFTH BOOK OF MOSES
COMMONLY CALLED
DEUTERONOMY

THESE be the words which Moses spake unto all Israel **1**
beyond Jordan in the wilderness, in the [1]Arabah over

[1] That is, the deep valley running North and South of the Dead Sea.

Ch. I. 1—4. General Title to the whole Book.

It dates the following *words* or discourses by Moses, as *beyond*, i.e. E. of, *Jordan*, in the end of *the fortieth year* of the wanderings, after the smiting of Sihón and 'Óg. Like some other titles in the O.T. (e.g. Jer. i. 1—3) this is composite, as appears from (1) the various styles in which it is written, *vv.* 1*a* and 4 forming one sentence and marked by deuteronomic phrases, while *v.* 3, a separate sentence in the middle of the other, is in the distinctive style of P (see *I. P.* pp. 58, 71, 204); and (2) the discrepancy between the locality stated in 1*a*, *beyond Jordan* (which is further defined by *v.* 5 as the *land of Moab* and by iii. 29 etc. as the *gai*, or *glen*, *opposite Beth-Pe'or*, near the N.E. corner of the Dead Sea) and the localities in 1*b*, 2, which, so far as they can be identified, lay in the region S. and S.W. of the Dead Sea. There are thus three successive strata in the Title: (*a*) 1*a*, 4, entitling apparently all the discourses and legislation in the Bk of Deut.; (*b*) 3, probably added by either P or a Priestly editor when Deut. was joined to the rest of the Pent.; and (*c*) 1*b*, 2, best explained as a note or gloss erroneously transferred here from another place (see below). (*a*) and (*b*) together separate the 'Fifth Book of Moses' from its predecessor. Some indeed take *vv.* 1–4 as retrospective, understanding by the phrase, *these be the words which Moses spake to all Israel*, the sayings ascribed to him in Ex., Lev. and Num., and thus explain the apparent references in 1*b*, 2 to the region of Israel's earlier wanderings. But this theory is precluded by the fact that the Bk of Num. closes with a retrospective statement and by the absence from Lev. and Num. of words of Moses connected with any of the localities named in 1*b*.

1. *all Israel*] A designation of the people characteristic of D and deuteronomic writers. See on iv. 44.

beyond Jordan] As is clear from *v.* 5 and elsewhere, the E. of Jordan is intended. The title was therefore written in W. Palestine. A.V. *on this side Jordan*, is an impossible rendering of the Hebrew.

against [1]Suph, between Paran, and Tophel, and Laban, and

[1] Some ancient versions have, *the Red Sea*.

in the wilderness] Heb. *midbar*, properly pasture ground as distinct from arable; Jer. ii. 2, *land not sown*. The word, hardly applicable to the scene of Moses's discourse in Moab, is the usual term both for the wilderness E. of Moab and Edom (ii. 8, 26), and for the region of Israel's earlier wanderings before they crossed Edom (i. 19, 40, ii. 1, 7). In the latter lay some, if not all, of the following localities.

in the Arabah] Heb. *'Arabah*, *dry* or *waste*: (*a*) a synonym for *midbar*, both with the def. art. (Is. xl. 3), as here, and without (Is. xxxv. 1; Jer. ii. 6 etc.). But with the art. it is usually the name of (*b*) the great depression extending from the Gulf of 'Akabah northwards to the Lebanons, of which the Dead Sea, *the Sea of the 'Arabah* (iv. 49), is the deepest portion; and again is more particularly applied both to (*c*) the stretch of the depression N. of that Sea, the Jordan valley (iii. 17; 2 Kgs xxv. 4), cp. the Plur. *'Arboth Moab*, P's designation of Israel's last station before crossing Jordan, xxxiv. 1 (cp. Arbatta, 1 Macc. v. 23); and (*d*) the stretch of the depression S. of the Dead Sea. Each of these four meanings is possible here. Those who take the names in 1*b* as of places in the scene of Moses' discourse in the land of Moab point to (*c*) the application of the name 'Arabah to the Jordan valley. As we shall see, however, those names indicate rather the region of Israel's earlier wanderings, before they crossed the S. of Edom, and this makes it more probable that 'Arabah here = the S. stretch of the depression; so the Sam. *Bik'a*, *trench* or *valley*. But (*a*) the general signification, synonymous with *midbar*, is not improbable here, and even more suitable to the localities in 1*b* than the other meanings are. To-day the name *el 'Arabah* is confined to the stretch of the depression S. of a line of cliffs a few miles below the Dead Sea; while all to the N. is known as *el-Ghôr*.

Suph] LXX 'the Red Sea,' but this in Heb. is always *sea of Suph*. Suph may have been a locality from which the Sea derived its name, the usual etymology which would render it *sea of sedge* being, though plausible, uncertain (see *Enc. Bibl.* 'Red Sea'). Suph cannot be Suphah of Num. xxi. 14 if as is probable this lay in S. Moab; while another modern place-name that has been proposed as identical, Nakb es-Safa (on which see Musil *Edom* II. 29), S.W. of the Dead Sea, corresponds with Suph neither phonetically nor from its situation.

between Paran...and Di-zahab] All these places are uncertain. '*Paran* cannot be the extensive desert of that name corresponding to the modern et-Tih, but only the place after which this desert was named, cp. 1 Kgs xi. 18' (Dillm.). For *Tophel*, LXX Τοφὸλ, no modern place-name has been found: et-Tafileh on cultivated soil in the N. of Mt Se'îr corresponds to it in neither spelling nor situation. Though *Laban* (*milk-white*) and *Hᵃṣerôth* (*folds*) are names of such general signification that each may have been attached to more than one site, it is natural to identify

Hazeroth, and Di-zahab. It is eleven days' *journey* from 2
Horeb by the way of mount Seir unto Kadesh-barnea. And 3

them with the Libnah and Ḥaṣerôth of Num. xxxiii. 20. 17, stations on Israel's march between Horeb and Kadesh. On the W. el Hadharah and the 'Ain el Hadharah, see Burckhardt, *Travels*, 494 f.; Wilson, *Lands of the Bible*, I. 255—260; Robinson *B. R.* I. 223 f. *Di-zahab* has been taken to be the modern Minet edh-Dhahab on the Gulf of 'Akabah, but this is not on the line of Israel's march; the meaning, (place) *of gold*, LXX καταχρύσεα, is general enough for the name to have been applied to several places. Thus all that is certain in these names is that some, if not all, lay on the march towards Kadesh, and this is confirmed by the next verse. It is not possible to bring them, or that verse, into harmony with the repeated datum that the scene of Moses' discourse was in Moab, at the N.E. end of the Dead Sea.

2. *It is eleven days'*, etc.] The distance from the accepted position of Horeb-Sinai to that of Kadesh, 'Ain Kudeis, is '10 or 11 days of common camel-riding' (C. Trumbull *K. B.* 71, 215): caravans with children and flocks, like Israel's, would of course take longer.

Horeb] Always in E, and Deut., as in 1 Kgs xix and Malachi, the name of the Mt of the Lawgiving, for which J and P have Sinai. The attempt has been made to interpret the two names as of different sites; but the Biblical evidence for their identity is clear; as even so early a scholar as Jerome perceived (*Onom. Sacr.* ed. Lagarde, 146). This matter as well as the questions of the position of Sinai-Horeb (as between Jebel Musa and Jebel Serbal and between the Sinaitic Peninsula as a whole and the E. coast of the Gulf of 'Akabah or Mt Se'ir or the neighbourhood of Kadesh) has already been exhaustively discussed in this series (Driver, *Exod.* pp. 18, 177—191). It is, therefore, unnecessary to say anything more here; except to recall that the question as between the Sinaitic Peninsula and some site farther N. appears to have been open in the time of the Crusades and of the Moslem geographers in the 14th century. Abu-l Fida *c.* 1321: 'the position of Tur Sinâ is the subject of discussion. Some say it is the mountain near Ailah (at the head of the Gulf of 'Akabah) and others that it is a mountain in Syria' (quoted by G. le Strange, *Palestine under the Moslems*, 72 f.). The Chronicle d'Ernoul et Bernard le Trésorier says, 'Cel Mons Synai est entre le Mer Rouge et le Crac (Kerak).' See further *ZDPV* XXXVII. 190 ff.

by the way of mount Seir] *Se'îr*, the territory of Edom, lay W. as well as E. of the 'Arabah (i. 44; cp. C. Trumbull *K. B.* 84 ff.; Buhl, *Gesch. der Edomiter*, 22 ff.); but *Mt Se'îr* is in Dt (ii. 1) and elsewhere (e.g. Gen. xiv. 6) the range E. of the 'Arabah. Thus *the way of Mt Se'îr* would be the most easterly of the roads from the Sinai Peninsula to Kadesh, which passes through the 'Arabah. Further see Dillm.

Kadesh-barnea] This form is peculiar to D, deuteronomic passages and P; elsewhere *Kadesh* stands alone: and we have besides *'En-Mishpat, Well of Judgement* (Gen. xiv. 7), and *Meribath-Kadesh* (see

it came to pass in the fortieth year, in the eleventh month, on the first day of the month, that Moses spake unto the children of Israel, according unto all that the LORD had
4 given him in commandment unto them: after he had smitten Sihon the king of the Amorites, which dwelt in Heshbon, and Og the king of Bashan, which dwelt in Ashtaroth, at

on xxxiii. 2). The accepted site, visited first by Seetzen in 1807, then by Rowlands in 1842 (Williams, *Holy City*, I. 464 ff.), and described and argued for by Trumbull (*Kad. Barn.*), is the neighbourhood of the 'Ain Ḳudeis (Seetzen's and Rowlands' spelling, confirmed by Musil) about 80 km. S.S.W. of Be'er-sheba', but the name must have covered the still more fertile 'Ain Ḳadeyrât and the 'A. Ḳaseymeh. Musil, who visited 'Ain Ḳudeis thrice, doubts its identity with Ḳadesh (*Edom* I. 212), and suggests a site farther N.: yet he admits there the most fertile landscapes in all the region, describes the wâdies as either cultivated or full of relics of ancient cultivation, and even reports one more fertile than the plain about Gaza. See also *PEFQ*, 1914, 64 ff.; *ZDPV*, 1914, 7 ff. *Barnea'* has been explained as 'son' or 'desert, of wandering.' But it may belong to the number of non-Semitic names found in this region (e.g. Gharandel). To a hill S.E. of 'Ain Ḳudeis, there is still attached the name Forni, which appears to be an echo of Barnea': the letter *'ayin* is sometimes dropped in mod. Arabic.

The whole fragment, 1*b* and 2, thus obviously out of place where it stands, may have been originally a note to i. 19, which its details, so far as they are clear, suit.

3. *And it came to pass in the fortieth year*, etc.] P alone of the Hex. documents dates by months and days (*J. P.* 58, 71); and its division of the year is not that which, beginning with the autumn, prevailed in early Israel, but the Babyl. division which began with the spring. The Babyl. system was first adopted by the Jews, not during the exile (as usually supposed, Marti, *Enc. Bibl.* 'Year'), but, as we gather from Baruch's narratives in the Bk of Jeremiah, during Manasseh's reign, when the Assyrians imposed on Judah many of their institutions (*Jerusalem*, II. 189 f.). Another mark of P is the term for *eleventh* used in the Hex. by P alone and elsewhere only by late writers. Wellh. (*Hist.* 384 f.) takes the verse as from the editor who incorporated D with P, but Driver, as the introd. to a summary narrative in P, and as followed immediately by xxxii. 48—52; *the self-same day* there being the day specified here. On the date *the 40th year* and the different dating of JE and D see below on ii. 1—8.

the children of Israel] Another designation characteristic of P; D *all Israel*. See on i. 1, iv. 44.

4. *Sihon...and Og*] See below on ii. 26—37, and iii. 1 ff.

at Edrei] LXX Syr. and Vulg. have *and in Edrei*, as if 'Og reigned there as well as at 'Ashtᵉroth Ḳarnaim, but the Heb. indicating, though awkwardly, the scene of 'Og's defeat, is confirmed by the Sam.

Edrei: beyond Jordan, in the land of Moab, began Moses 5
to declare this law, saying, The LORD our God spake unto 6

A. CH. I. 5 IV. 40. FIRST DISCOURSE AND INTRODUCTION TO THE LAW-BOOK.

5. SPECIAL TITLE TO THE FIRST DISCOURSE OF MOSES.

Usually taken as the continuation of the general title to the Book, 1 *a* and 4, this appears rather—note the repetition of the datum *beyond Jordan*—to have been originally a special title to the following first discourse of Moses. Obviously written in W. Palestine.

5. *in the land of Moab*] So always in D as the place of this legislation, which P gives more exactly as the 'Arboth-Moab, the sections of the 'Arabah in Moabite territory, just N. of the Dead Sea (*I. P.* 209). Except for some doubtful cases in later writers *Moab* is always the name of the people, not of their land. See *Enc. Bibl.* art. 'Moab.' In iii. 29, iv. 46 the scene of the lawgiving is more exactly defined as *in the gai* or *hollow over against Beth-pe'or*.

began] Heb. *hô'îl* is stronger: **undertook**, or **set himself to** (Gen. xviii. 27), or *was pleased to* (2 Kgs v. 23; Ho. v. 11).

to declare] In the original sense of *declare* (Wright, *Bible Word-Bk*), *make clear* or *distinct*. The Heb. *bê'êr*, properly to *dig* or *hew*, is used of *writing* on stone (xxvii. 8), or tablets (Hab. ii. 2). Only here metaphorically, to *explain* or *expound*, as in post-Bibl. Heb., or *to engrave* in the mind of the people.

this law] Heb. *this Tôrah*, on the various meanings of the term see *I. P.* App. vi.; Driver, *Exodus*, 162, 165. In which of these it is to be taken here is disputed. Dillm., after stating that in D *Tôrah* is distinguished from Law proper, described as *statutes and judgements*, takes it here to mean instruction concerning law and justice. So Steuern. and Berth. But in the other 18 instances of the phrase *this Tôrah* in D it is used of the deuteronomic code and indeed in iv. 8 is parallel to *statutes and judgements*. We may take it in the same sense here (so Driver), equivalent indeed to no mere catalogue of laws, but to laws with notes, exhortations, precedents and reminiscences. If that be the meaning of *Tôrah* in this title, it proves that the discourse to which the title is attached, i. 6—iv. 40, was originally designed as an introduction to the code xii—xxvi. But the terms of the title are more suitable to v. ff. in which discourse the actual exposition of the law begins. See further on iv. 44—49.

CH. I. 6—III. 29. HISTORICAL PART OF THE FIRST INTRODUCTORY DISCOURSE.

Spoken in the land of Moab (i. 5) in *the gai* or *glen, over against Beth-Pe'or* (iii. 29), a review of Israel's experiences since they left Horeb. In the Plur. form of address except for the following fragments

i. (8), 21, 31 *a*, ii. 7, 24 *b*, 25, 30 *b*, 37 [1]. We shall see how far these are detachable from the context, or give evidence of their later intrusion. There are, too, a number of parentheses, dealing with matters beyond Israel's experience and therefore beyond the aim of the discourse: archaeological notes on the peoples who preceded Moab, Edom, Ammon, the Philistines and Israel, and on Ḥermon; ii. 10—12, 20—23, iii. 9, 11, 13 *b*, 14. The contents of these notes are suitable neither to the voice of the Deity, to whose words some of them are attached, ii. 10—12, 20—23, nor in the mouth of Moses whose purpose is to recall to Israel their own experience. They are notes or glosses, either by the author or an editor. All the rest (except perhaps iii. 15—17, which see) forms a unity, complete in itself.

The following are the divisions:—(1) i. 6—8, order to depart from Ḥoreb; (2) 9—18, institution of Judges; (3) 19, journey to Ḳadesh-Barnea', to which probably belong 1 *b*, 2 (see above); (4) 20—25, mission of the spies; (5) 26—43, consequent disaffection of the people; (6) 34—40, wrath and judgement of God; (7) 41—46, defeat of the attempt to enter the land from the south, and residence at Ḳadesh; (8) ii. 1—8 *a*, departure from Ḳadesh and circuit of Mt Se'ir; (9) 8 *b*—15, further march to Wâdy-Żered, which they cross 38 years after leaving Ḳadesh, when all the adult generation have died; (10) 16—25, command to cross Arnon, the border of Moab, to avoid 'Ammon and to fight Sîḥôn; (11) 26—37, defeat of Sîḥôn; (12) iii. 1—7, defeat of 'Ôg; (13) 8—17, division of the conquered lands; (14) 18—22, directions to the tribes left there and to Joshua; (15) 23—29, Moses' Prayer to cross Jordan and its rejection.

The same stretch of history from Ḥoreb to the Jordan is treated by JE, Ex. xxxiii. 1—17, and Num. x. 29 onwards; and by P from Num. xii onwards. JE seems the basis of this deuteronomic review, even to the extent of supplying verbal details. But the review is not only written in a style peculiar to the deuteronomic writings; it adds some facts not found in JE and differs from JE in its presentation of others. On P the review shows no dependence, and P differs from it considerably both in the language used for the same events and in several matters of substance. On these see below.

6—8. The Command to start from Ḥoreb for the Land.

Jehovah spake: In Ḥoreb ye have dwelt enough (6); break up and march to the Mt of the Amorites and the parts adjacent as far as the Euphrates (7); I have set the land before you, enter and possess as Jehovah sware to the fathers to give it to them and their seed (8).—JE, Ex. xxxiii. 1 ff., narrates the order to depart to the land promised by oath to the fathers; the promise of an angel to drive out the six nations possessing it (probably a gloss, see Driver *ib.*); Jehovah's refusal to go with them; and His consent after an argument by Moses (also held by

[1] The Sing. in ii. 9*a* (LXX Plur.) and even in ii. 19 may be due, as in iii. 27, to the fact that the address is to Moses himself.

us in Horeb, saying, Ye have dwelt long enough in this mountain: turn you, and take your journey, and go to the 7
hill country of the Amorites, and unto all *the places* nigh

some to be editorial); and adds, Num. x. 29—32 (J), Moses' appeal to Hobab to act as *eyes*[1] to the host. The terms of the command differ from those in D. P, in harmony with its account of the procedure on the march (Num. ix. 15—22), gives the signal of departure from Horeb as the lifting of the cloud above the Tabernacle, and dates it the 20th day of the 2nd month of the 2nd year (Num. x. 11). The contrast between the spoken command in JE and D, and the physical signal in P, is characteristic; note also the characteristically exact date in P.

6. *The* LORD *our God*] Heb. **Jehovah**, *our God*: contrary to the usual syntax (cp. the parallel in JE, Ex. xxxiii. 1), this divine name is placed emphatically at the beginning of the sentence, as the proper start and motive of the whole discourse: for this form and its variants *thy God* and *your God* are characteristic of the style of D. *I. our God*, 23 times in D always from Moses to his fellow Israelites with the intimate accent of a common affection, and only 7 times in the rest of the Pent.; *I. thy God*, addressed to Israel 230 times in D, and only 9 times in JE (of which five are in additions to the Decalogue, Ex. xx. 2—12, and at least two in verses with other marks of the deuteronomic style), and only *once* in P (Lev. xxi. 8), though P has seven instances of somewhat variant forms; *I. your God*, 46 times in D, while in JE only in Pharaoh's speeches to Israel, but in P over 30 times, attached to priestly institutions and laws. The enormous predominance of these titles in D is significant of the ardent, confident religion of the Book. We seem to touch in them the heart of the writers. Nor can we forget the echo of their wonderful repetition in the hearts of the Jewish and Christian Churches. Probably no phrases in the O.T. have been more helpful to piety in all generations. See further introd. to ch. xxviii.

Horeb] Above, v. 2.

Ye have dwelt long enough in this mountain] Heb. *the stay in this Mt is much*, i.e. enough, *for you*: the same idiom in ii. 3, iii. 26, also in P, Num. xvi. 3, 7.

7. *turn you, and take your journey*] Heb. *turn you* or *face, and break up camp*, or *move on*. The first of these two verbs employed with a verb of motion is used only in D (and the editorial Num. xiv. 25) of fresh starts of the *whole people* on their journey through the wilderness; as here, i. 40, ii. 1, or with other verbs. In JE, where used with verbs of motion, it is of individuals only; while in P it has another meaning, to *look towards*. On the second verb see below, v. 19.

hill country of the Amorites] Heb. *Mount of the Amorite*: as at the present day in Arabic, the singular *mount* is applied to a mountain-range. The range of Pal. W. of Jordan is meant, but especially its S.

[1] The same term, 'uyûn, is given to the scouts of Arab expeditions who seek out the ways, water and camping-places: Musil, *Arabia Petraea, Ethn. Ber.* III. 376.

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thereunto, in the Arabah, in the hill country, and in the lowland, and in the South, and by the sea shore, the land of the Canaanites, and Lebanon, as far as the great river, the
8 river Euphrates. Behold, I have set the land before you:

end (cp. *v.* 20). The name appears very early, for Kings of the 1st Dynasty in Babylon call themselves Kings of Amurru: a name which inscriptions found at Boghaz-Keui (*Mitt. d. deutsch. Orient. Gesellschaft*, Dec. 1907, 25 f.), prove to have extended to the Euphrates; but which the Tell-el-Amarna letters (about 1400 B.C.) confine to the hinterland of Phoenicia, in the N. of Palestine. *Amorite*, in D as in E, is the general name for all the tribes dispossessed by Israel; J has Canaanite. Winckler explains this from the origin of E in N. Israel where the Amorites had been in force; while J, writing in Judah where Israel had not fought the Amorites, knew nothing of them but assigned the whole land to the Canaanites, whose civilisation had been paramount on the coast at the time of Israel's entry and who continued to form an antithesis to Israel (*Gesch. Isr.* I. 53). If this argument were sound, then D's extension of the name Amorite to the S. of W. Palestine would be artificial. But Winckler himself recognises the ancient character of the tradition which calls Sihôn an Amorite (*op. cit.* p. 52), and if the Amorites had penetrated to Moab, they had also, it is probable, extended their sovereignty as far S. on the W. of the Jordan.

and unto all...nigh thereunto] Heb. *unto all its neighbours*: *the Arabah*, i.e. N. of the Dead Sea (see on *v.* 1); *the hill-country*, such of the W. range as was not included under the *Mt of the Amorite*; *the lowland*, Heb. *the Shephelah*, the low or foot-hills between the range and the maritime plain (*HGHL.* 201 ff.); *the South*, Heb. *the Negeb*, the region to the S. of the range, which descends into the Negeb about Be'er-Sheba'; *the sea-shore*, the maritime plain between the Shephelah and the Mediterranean, further defined as *the land of the Canaanites*, the deuteronomic writers limiting the Canaanites to the level 'Arabah and the maritime plain, just as the Tell-el-Amarna letters call the coast land Kinahi = Kena'an (so rightly Driver, while Dillm. and Steuern. take the phrase as covering all the land already defined); *and Lebanon* added to complete the land, cp. xi. 24, Jos. i. 4; as far as *the great river, the river Euphrates*, the ideal but never the actual limit of Israel's territory, cf. xi. 24. Lists of the divisions of the Promised Land similar to this occur in (probably editorial) passages of the Book of Jos.:—ix. 1, x. 40, xi. 2, 16, xii. 8.

8. *Behold*] Sg. but even if this reading be correct (Sam. and LXX read Pl.) it is meant as an interjection and is no proof of a change to the Sg. address, cp. iv. 5.

I have set...before you] Heb. *given before you, given up to you*; in this sense both of land and foe; eleven times in D. and not elsewhere in Heb.; in D nearly always with Sg.

go in and possess the land which the LORD sware unto your fathers, to Abraham, to Isaac, and to Jacob, to give unto them and to their seed after them. And I spake unto you 9

which the LORD sware] As the LORD Himself is the speaker, we ought perhaps to read with LXX and Sam. *which I sware*. Yet their reading may be a correction of the original, which in that case would be a symptom of the carelessness of the writer in not sustaining the situation he assumed. The anthropomorphism, imputing an oath to the Deity, is found in JE (Gen. xxii. 16), especially in the phrases, *sware unto Abraham, Isaac, and Jacob* (Gen. l. 24; Ex. xxxii. 13, xxxiii. 1); *to Abraham thy father* (Gen. xxvi. 3); *to thy fathers* or *to them* (Num. xi. 12, xiv. 16, 23); *thee and thy fathers* (Ex. xiii. 11). Used in D of special oaths (i. 34, ii. 14, iv. 21); of the covenant (iv. 31); or as here of *the land which he sware unto thy, your, or our fathers*, 22 or 23 times.

9–18. THE INSTITUTION OF TRIBAL HEADS (JUDGES?).

At that time, Moses, declaring his inability to bear alone the greatly increased people (9–12), bade them choose men, *wise, understanding, and known*, according to their tribes, that he might make them heads over them (13). The people approved (14). Moses took such men (the text becomes obscure) and set them in graded ranks (15). At that time, too, he charged the judges to be patient and impartial, for their judgement was God's; the harder cases to be brought to himself (16 f.). And he also charged the people (18).– The parallel passages are two: (*a*) E, Ex. xviii. 13–26: before arrival at Sinai, Jethro advised Moses, as unable to bear the people alone, to reserve himself for them Godward and to provide men of power and troth, fearing God and hating unjust gain, to judge the people, but to bring the greater cases to him: Moses agreed and chose such; (*b*) JE?, Num. xi. 14, 16 f., 24 *b*–30: Moses, confessing to God his inability to bear the people alone, was charged to choose seventy elders, who should receive the same spirit as he, to bear the people with him. With these two passages this section, besides showing some verbal coincidences (see 9*b*, 12, 15, 17*b*) and correspondences (13*a*, 18), agrees as to the motive for the new appointments, Moses' inability to bear Israel alone, the lay character of the appointed, their grading in ranks, and the division of cases between them and Moses (these last two absent from Num. xi.). The differences of substance are three. On that of date see on *v.* 9. In Ex. xviii Jethro starts the proposal, here Moses, in Num. xi the Deity on the prayer of Moses. In Ex. and Num. Moses selects, here the people. On the apparent, but unreal, difference on the qualifications for the posts see on *v.* 9. There are also differences of language; here the forms of words, turns of rhythm and phrases, are all characteristic of D. In P there is no parallel; P throughout assigns judicial functions to the priests (cf. D. xvii. 11), but mentions certain *nesi'îm, chiefs of the*

at that time, saying, I am not able to bear you myself alone:
10 the LORD your God hath multiplied you, and, behold, ye
11 are this day as the stars of heaven for multitude. The LORD,
the God of your fathers, make you a thousand times so
many more as ye are, and bless you, as he hath promised
12 you! How can I myself alone bear your cumbrance, and

clan, called to the Diet, who attend Moses and Aaron to hear petitions, and who represent Israel in foreign engagements.

9. *at that time*] As the syntax implies this means *when* or *after* the command was given to depart from Horeb; while in Ex. the institution of colleagues for Moses, E, Ex. xviii. 12 ff., comes *before* Israel's arrival there. This difference of date is either due to D's more distant perspective (Introd. § 11); or as Dillm. suggests (also Bacon *JBS* XII. 24) the author of D found the passage in JE placed beside our Num. x. 29—36. See further Dri. *Exod.* p. 162. The discrepancy is of no importance. The other difference, the absence from D of Jethro's initiative as related in JE, may be due to the summary nature of its review (Dillm.); yet the possibility of intentional omission cannot be excluded in view of the prevalent confinement of the interest in D to Israel alone. Berth. (p. 4) relevantly points to the omission from D of all reference to Balaam. The formula, *at that time*, is curiously enough found only in Pl. passages i. 9, 16, 18; ii. 34; iii. 4, 8, 12, 18, 21, 23; iv. 14; v. 5; ix. 20; x. 1, 8.

I am not able to bear you myself alone] More fully in E, Num. xi. 14, *I am not able, I myself alone, to bear all this people, for it is too heavy for me*; similarly E, Ex. xviii. 18 (Jethro to Moses), *the thing is too heavy for thee, thou art not able to do it alone.*

10. *the LORD your God*] See on *v.* 6.

as the stars in heaven] So x. 22, xxviii. 62; and Gen. xxii. 17, xxvi. 4; Ex. xxxii. 13, in contexts that otherwise betray the editorial hand. It is one of the many hyperboles in D and is not found in the parallel E, Ex. xviii.

11. This verse is even more characteristic of the deuteronomic style. *The LORD, the God of your fathers* occurs indeed twice in JE; but either thus or with variants seven times in D. *As he promised*, Heb. *spake, to you* occurs in D 14 or 15 times.

12. *How*] This emphatic Heb. form is found in the Pent. only here, vii. 17, xii. 30, xviii. 21, (xxxii. 30).

can I myself alone bear] See on *v.* 9.

your cumbrance, and your burden, and your strife] Better **the weight, the burden, and the strife of you.** *Weight* cp. Is. i. 14, *they are a weight upon me, I am weary of bearing.* Is the use of the word here an echo of Isaiah? The Heb. *torah* is not found elsewhere in the O.T. *Burden* or *carriage*, cp. J, Num. xi. 11, *the burden of all this people upon me*, and 17. *Strife*; the Heb. *rib* is used in JE of quarrels about wells

your burden, and your strife? Take you wise men, and 13
understanding, and known, according to your tribes, and I
will make them heads over you. And ye answered me, and 14
said, The thing which thou hast spoken is good *for us* to do.
So I took the heads of your tribes, wise men, and known, 15
and made them heads over you, captains of thousands, and
captains of hundreds, and captains of fifties, and captains of

and other physical struggles; but also of law-disputes, and of Israel's contentiousness with Moses and God (E, Ex. xvii. 2, 7; J, Num. xx. 3; P, Num. xx. 13; and in the Song, Dt. xxxiii. 8). In D four times for *law-pleas*. Here it is either the people's litigiousness among themselves or their frequent contentions with Moses and God.

13. *Take you*] Heb. *Give yourselves*: Jos. xviii. 4. The people themselves are to elect as in xvi. 18, consistently with the emphasis, so frequent in D, on the judicial responsibilities of the whole people. In E, Ex. xviii. 25 (cp. Num. xi. 16), Moses *chooses*.

wise men, and understanding, and known] With the LXX some take the last term as synonymous with the others; either reading as in the Heb. the pass. part. *experienced*, or the act. part. *knowing*. The pass. part. is perhaps the better, but as meaning *known*: men reputed for their judicial gifts, as among the Arabs to-day. While here the emphasis is laid on intellectual gifts, which, however, in D always include the moral; E, Ex. xviii. 21, more definitely expresses the latter: *men of power* (Dri. capable, worthy), *fearing God, men of troth, hating unjust gain*.

according to your tribes] E, Ex. xviii. 21, 25: *out of, all the people, all Israel*. E and D use *shebet* for tribe, but P's usual term is *matṭah*.

make them heads over you] Rather, **set them as your chiefs.**

15. *the heads of your tribes*] LXX, *from you*, either represents the original Heb. reading or is the Gk translator's emendation of a difficult text. On the ground that the present Heb. reading conflicts with *v.* 13 and is meaningless in relation to the rest of this verse (it being unlikely that Moses would say, that he took heads of tribes to make them heads over you), some would delete the words. But the verse, though awkward, may mean that Moses took those elected within the various tribes (*v.* 13) and made them chiefs with judicial functions in the new *national* organisation which he now instituted: so in E, Ex. xviii, 25, *he set them chiefs over the people*, as a whole.

captains of thousands, hundreds, fifties, tens] *Captains*, Heb. *sarîm*. So E, Ex. xviii. 21, 25. But neither there nor here is the meaning clear. Under the monarchy there were military *sarîm* of thousands, hundreds, and fifties (1 Sam. viii. 12, xvii. 18; 2 Sam. xviii. 1; 2 Kgs i. 9 ff., xi. 4; Is. iii. 3); that no *sarîm of tens* are mentioned does not imply that they did not exist, for the notices of the others are incidental. Did such military *sarîm* already exist in the time of Israel's wanderings,

16 tens, and officers, according to your tribes. And I charged your judges at that time, saying, Hear *the causes* between your brethren, and judge righteously between a man and his

and is it meant, here and in Ex. xviii., that the popularly elected heads took such military titles on their appointment? Or were these military ranks first instituted under the monarchy, when an organised national army took the place of the old tribal levies, and have the writers of E and D (cp. P, Num. xxxi. 14, 28) merely reflected this institution of their own times back on the period of the wandering? Or are we to hold with Steuernagel that although Ex. xviii. 13—26 deals throughout with the institution of *judges* this deuteronomic review, *vv.* 9—15, narrates the appointment not of *judges* but of military and administrative officers and that we reach the judges only in *v.* 16, where their title first occurs and where a new paragraph is indicated by the recurrence of the formula, *and at that time*? In support of his view, Steuernagel alleges that only intellectual qualities are required for the officers dealt with in *vv.* 9—15, while in Ex. xviii. 13 ff., where judges are intended throughout, the requirements are moral. But this point we have already answered above on *v.* 13. Further Steuernagel's explanation neither solves the difficulty in Ex. xviii. 13 ff. (E) where the equation of military titles with the judicial posts is certain; nor meets the fact that this deuteronomic review is based on Ex. xviii. 13 ff., and if it had meant to differ from the latter on so substantial a point it would certainly have indicated the difference explicitly. None of the explanations is satisfactory. The evidence that even under Moses the tribal institutions were welded into a national organisation is frequent and probable; and that main fact may be held, even if we allow, as equally probable, that E and D reflected back upon it the military titles of their own day.

and officers] Heb. *shôṭᵉrîm*, with the original meaning either of *rangers, organisers* (so Dri. after Nöldeke, citing Ar. *saṭara* 'to rule' a book, 'write,' and *saṭr* 'line' or 'row,' cp. Heb. *mishṭar*, Job xxxviii. 33), or of *writers* (Ass. *shaṭâru* 'write'). Both meanings are attached to the name in the O.T. In xx. 5, 8 f., as in E, Jos. i. 10, iii. 2, *shôṭᵉrîm* are army officers who pass on the general orders through the ranks: cp. J, Ex. v. 6, etc., native officers of Israel under Pharaoh's taskmasters. But here, as in xvi. 18, they are associated with judges, xxix. 10, with elders exercising judicial functions: cp. deuteron., Jos. viii. 33, xxiii. 2, xxiv. 1; and E, Num. xi. 16; Prov. vi. 7. Sam. has here *scribes*; LXX γραμματοεισαγωγεῖς. They were either the secretaries or professional assessors of the lay judges.

according to your tribes] So Heb. and Sam.; LXX τοῖς κριταῖς ὑμῶν, *to your judges*, which Berth. emends to *judge you*.

16. *judges*] Unless the previous emendation be accepted the term *judges* appears here for the first time in the passage.

Hear...and judge righteously] The two indispensables: patient, equal hearing, and impartial decision.

your brethren] Your fellow-Israelites.

brother, and the stranger that is with him. Ye shall not 17
respect persons in judgement; ye shall hear the small and
the great alike; ye shall not be afraid of the face of man;
for the judgement is God's: and the cause that is too hard

the stranger that is with him] His *Gêr* or *sojourner*: any non-Israelite who leaving his own kin settles under the protection of an Israelite family or individual; in distinction from the *'ezraḥ* or born Israelite (Jos. viii. 33). The Ar. equivalents are *ǧar* and *ǧarîḥ*. See W. R. Smith, *OTJC*², 342 *n.*, and *Rel. Sem.* 75 ff. In E the Gêr is not to be wronged, Ex. xxii. 21, xxiii. 9, and to have rest on the Sabbath, xxiii. 12; cp. xx. 8. In D his equal rights at law are reiterated here, xxiv. 17, xxvii. 19; not to be oppressed, xxiv. 14, but cherished, x. 19; to share with the Levite and the poor, xiv. 29, xvi. 11–14, xxiv. 19 ff., xxvi. 11 ff.; to rest on the Sabbath, v. 14; enter the covenant, xxix. 11; and keep the Law, xxxi. 12; only he is to have freedom in meats forbidden to Israel, xiv. 21; if Israel persists in sin the Gêr shall rise over him, xviii. 43. See on x. 19 and xiv. 21 where the different treatment of the Gêr in P is noted.

17. *respect persons*] Heb. *recognise* or *regard*, pay undue attention to, *faces* or presences, whence our idiom 'respect of persons' in a bad sense. In Pent. only here and xvi. 19. A Heb. synonym is to *lift the face* or *person*, x. 17, LXX, *θαυμάζει πρόσωπον*, N.T. *πρόσωπον λαμβάνειν, to accept the person of*, Gal. ii. 6; Lk. xx. 21. The command *not to respect persons* is next explained as *hearing alike*, or *equally, small and great, not fearing* (a poetical term, in prose only here, xviii. 22, Num. xxii. 3, E, and 1 Sam. xviii. 15), *the face of any man*. Cp. xvi. 19, *not to wrest judgement, nor respect persons, nor take bribes*. 'Justice is administered...immaculate, unspotted, and unsuspected. There is no human being whose smile or favour can start the pulse of an English judge upon the Bench, or move by one hair's breadth the even equipoise of the scales of justice,' Lord Bowen's *Life*, 175 f. In Ex. xxiii. 3 (JE) the phrase is *neither shalt thou favour* (lit. *adorn*).

for the judgement is God's] In early Israel as among the nomad Arabs to-day, there was a final appeal from the tribal or local judge to some immediate representative of the Deity; with the Arabs the greater awe of this religious appeal brings out the truth distorted or veiled before the inferior tribunal. But Moses would have the lower judges feel that they also are God's representatives: at every stage judgement is His. This emphasis is not given in E except in connection with the decrees of Moses himself, Ex. xviii. 15 f. The expression of it here is an instance of the more thorough penetration of religion in D to every department of the national life.

the cause that is too hard for you] E, Ex. xviii. 26. In xvii. 8 the same is expressed differently; and from xix. 16 ff. we see that the *hardness* of a case might arise from the character of the evidence, as well as from the principle involved in it.

18 for you ye shall bring unto me, and I will hear it. And I
commanded you at that time all the things which ye should
do.
19 And we journeyed from Horeb, and went through all that
great and terrible wilderness which ye saw, by the way to
the hill country of the Amorites, as the LORD our God com-
20 manded us; and we came to Kadesh-barnea. And I said

18. *And I commanded you*] A summary reference to all the instructions given at Horeb: cp. E, Ex. xviii. 20, xxiv. 3, 7 etc.

19. From Horeb to Kadesh-Barnea'.

A very brief account, indicating only the beginning and the end of the march, with the character of the wilderness between, and the further goal, the Mt of the Amorite: but it is possible that *vv.* 1 *b*, 2 (*q.v.*) were originally an addition or note to this.—The account of this march in JE, Num. x. 33—xxi. 16, includes the start from *the Mt of Jehovah*, the formulas recited on the lifting and the resting of the Ark, the disaffection of the people on the lack of flesh, the institution of 70 elders, the grant of flesh and its fatality, the presumptuousness of Miriam and Aaron, the encampment in the wilderness of Paran. Three stages are named, Tab'erah, xi. 3, Kibroth Hatt[a']avah and Ha[a]seroth, xi. 35: the first two also in Dt. ix. 22. P dates the start from Sinai on the 20th of the 2nd month of the 2nd year, states that the guiding cloud settled in the wilderness of Paran, and adds the order of the host, Num. x. 11—28.

19. *And we journeyed*] Rather **broke up** or **set out**, A.V. **departed**. Heb. *nasa'* was originally *to pull up* the tent-pegs, *break camp*, but came to cover the journey that ensued, *to march by stages* (Gen. xii. 9, xxxv. 21). That the earlier meaning is intended here is clear from the following verb.

that great and terrible wilderness] viii. 15. This was much the most desolate tract of the wilderness crossed by Israel. See Palmer on the Desert of el-Tih (*Desert of the Exodus*), 284 - 288, and Musil, *Edom*.

Kadesh-barnea] See above on *v.* 2.

20—25. The Mission of the Spies.

Arrived at the Mt of the Amorite, promised them by God, and exhorted to invade it (20 f.), the people proposed that spies be sent forward to explore (22). Moses consented and took twelve men (23), who visited the vale of 'Eshkôl and brought back of its fruit, saying the land was good (24 f.).—The parallel passage is Num. xiii., for the analysis of which into JE and P see Chapman, *Introd. to the Pent.* (86 ff.), in this series, and cp. *Oxf. Hex.* and G. B. Gray in the *Int. Crit. Com.* To JE are generally assigned *vv.* 17 *bc*—21 *a*, 22—24, 26 *b* 29: the beginning of this account with the start of the spies from

unto you, Ye are come unto the hill country of the Amorites,
which the LORD our God giveth unto us. Behold, the LORD 21
thy God hath set the land before thee: go up, take possession, as the LORD, the God of thy fathers, hath spoken unto thee; fear not, neither be dismayed. And ye came near 22
unto me every one of you, and said, Let us send men before

Kadesh is probably broken off; it is implied in 26. As it stands all that JE tells us is that the spies started after Israel had reached the wilderness of Paran, Num. xii. 16, while Kadesh was in the wilderness of Sin to the N. of that of Paran. They were to go up by the Negeb, still intervening between them and the Mt of the Amorite, to see the land, its dwellers, their manner of life, and the fruits. Thus they came to Hebron where were sons of 'Anak and brought back from the vale of 'Eshkol some fruit to Kadesh, reporting the land to be good, but the people strong and their cities fenced and great. It is clear that the deuteronomic review is a summary of this account. P's narrative, Num. xiii. 1—17 *a*, 21 *b*, 25, 26 *a* differs from JE and D both in its language and in several details of facts for which see below. For full proof of the dependence of D on JE and D's ignorance of P, see Chapman, *I. P.* 90—92, 94 f.

20. *Ye are come unto the hill-country of the Amorites*] See on *v.* 7. If Kadesh be 'Ain Kudeis, the Negeb still lay between Israel and the Mt of the Amorite as J, Num. xiii. 17 *b*, 22, correctly notices. The omission here is due to the summary character of the review, and has no bearing on the position of Kadesh.

giveth] Heb. *giving* with the force of **is about to give**: followed by *ground* or *land*, it forms a phrase peculiar to D. See on i. 8.

21. *Behold, the* LORD *thy God*, etc.] The first of the passages, scattered throughout this discourse, in the Sg. form of address. The LXX has indeed the Pl. but apparently in order to harmonise with the context; the Sg. is confirmed by the Sam. Moreover the expression *fear thou not neither be dismayed* (al-tira' w'al tehath) is always found with the Sg. address, while the Pl. has for the same idea *dread ye not neither fear ye* (lo-ta'arsún w'lo-tîrûn), e.g. *v.* 29, xxxi. 6. Further the contents of the verse, though not otherwise exhibiting marks of separateness from the context, are not indispensable as a connection between *vv.* 20 and 22. It is probable, therefore, that the verse is a later insertion, to make that connection clearer and more exact.

22. *And ye came near unto me...and said*] The proposal to send spies is here attributed to the people, Moses consenting (see next verse). In P, Num. xiii. 1 f., it is a divine command. There is no discrepancy of fact; but the difference of standpoint in describing the fact is instructive, and ought to be noticed along with other instances in D of the people's initiative. JE has nothing on the origin of the mission of the spies; but the beginning of its narrative of the episode is broken

us, that they may search the land for us, and bring us word again of the way by which we must go up, and the cities
23 unto which we shall come. And the thing pleased me well:
24 and I took twelve men of you, one man for every tribe: and they turned and went up into the mountain, and came unto
25 the valley of Eshcol, and spied it out. And they took of the fruit of the land in their hands, and brought it down unto us, and brought us word again, and said, It is a good

(see above). This is one of four facts given in D of which no notice is found in JE; the other three are also given in P: (1) that the spies were twelve, i. 23; Num. xiii. 2; (2) that those who went down to Egypt with Jacob were seventy, x. 22; Gen. xlvi. 27; Ex. i. 5; (3) that the ark was of acacia wood, x. 3; Ex. xxv. 10. See Introd. § 3.

that they may search] Heb. *ḥaphar*, lit. *to dig*; *to explore*, only here and Jos. ii. 2 f.; JE has *see* and P uses the verb *tûr*, *to go about*, *travel* either for spying or for trading.

the land] JE, Num. xiii. 18 ff.; *land and people*; P, Num. xiii. 2 *land of Canaan*.

the way...and the cities] J, Num. xiii. 19, *what cities they dwell in, whether in camps or strongholds*.

23. *and I took twelve men of you*] So P, Num. xiii. 2*b*—16, adding their names. JE does not give their number but may originally have done so; see on *v.* 22.

tribe] Heb. *shebeṭ*; see on *v.* 13.

24. *and they turned*] See on *v.* 7.

the mountain] The Mt of the Amorite: see on *v.* 7. So JE, Num. xiii. 17, but it adds *through the Negeb*; see on *v.* 20.

the valley of Eshcol] LXX φάραγξ βότρυος, 'ravine of the cluster'; but Heb. *naḥal* is the Ar. wâdy, a valley with a winter-stream, Gk χειμάῤῥοος, Ital. *fiumara*. Heb. *'eshkôl* is the Ar. *'ithkâl* (weakened from *'ithkâl* with initial 'ayin), a cluster of dates or palm-branch with clusters, and means a cluster of dates, Cant. vii. 8, or of grapes as here (dates not ripening so high as Hebron). As a place-name Eshkôl occurs elsewhere only in P, Num. xxxii. 9; but in Gen. xiv. 13, 24 as the name of a person, the brother of Mamre the Amorite at Ḥebron. The neighbourhood of Hebron is fertile with numerous springs, and the vine flourishes there. Baedeker (5th ed. 134) reports to the N.W. a Wâdy Iskâhil. While JE and D take the spies no further than Hebron, P, Num. xiii. 2, 17, 21, 25, describes them as exploring the whole land, from the wilderness of Sin to Reḥob, the entry to Ḥamath, and as taking 40 days.

25. *And they took of the fruit of the land in their hands*] Summary of E, Num. xiii. 23, 26*b*; *a branch with one cluster* (*eshkol*) *of grapes... pomegranates and figs...and showed them the fruit of the land*.

a good land] J, Num. xiii. 27 f., *surely it flows with milk and*

land which the LORD our God giveth unto us. Yet ye 26
would not go up, but rebelled against the commandment of

honey, and this is its fruit; but the people are strong, the cities fenced and great, etc. P, Num. xiii. 32: *they brought up an evil report of the land...a land that eateth up its inhabitants.* Yet later, Num. xiv. 7, P ascribes a good report to Joshua and Kaleb.

26—33. THE DISAFFECTION OF THE PEOPLE.

Israel defied the command to go up (26), murmuring that in hate God had brought them from Egypt, to be destroyed by the Amorite (27), quoting the spies that the people of the land were taller with fenced cities, and the 'Anakim were there (28). Moses exhorted them not to fear, Jehovah would fight for them (29 ff.). But they persisted in unbelief (32), though God had never failed to guide them (33).—In the parallel account which is compiled from JE and P the few JE fragments, Num. xiii. 30 f., 33, xiv. 1*b*, 3 f., 8, 9*b*, imply the people's disquietude at the spies' report and state that Caleb quieted them, but the other spies contr dicted, affirming that the giant 'Anakim (J), the Nephîlim (E), were in the land. The people wept, Why doth Jehovah bring us to this land to fall by the sword? were it not better to return to Egypt under another captain? Someone (Caleb?) exhorted them not to fear, Jehovah is with us.—P, Num. xiii. 32, xiv. 1*a*, 2, 5, 9*a*, 10*a*, states that on the evil report of the spies, that the land was hungry and the men of great stature, the congregation murmured (a different term from that in the dêuteronomic review) against Moses and Aaron. Would God we had died in the wilderness! Moses and Aaron fell prostrate, while Joshua and Caleb rent their clothes and affirmed the land to be exceeding good. But the congregation bade stone them.

Thus all three accounts agree on the main facts: (1) that the spies were divided in reporting (any variations as to this are merely of emphasis), (2) that the people refused to go up from fear of the taller peoples of the land; (3) that they murmured against God (so even P, Num. xiv. 27), (4) that they were exhorted to faith, and still disbelieved. The differences are —JE mentions only Caleb as urgent to go on, P Caleb and Joshua, the deuteronomic review neither, though the writer had those in mind as appears from the next section; JE reports the proposal to return to Egypt, P only a wish to die in the desert; P alone mentions the proposal of stoning.—Each writer, as elsewhere, uses his own style, our passage being full of characteristic deuteronomic phrases. But its main distinction is its religious spirit. Summarising the JE narrative, with a few verbal coincidences, it finely indicates the moral character of the people's disaffection—opposing to their fears founded on a few men's reports their own long and indubitable experience of their God's unfailing providence.

26. *ye would not*] A phrase found seven times in D against three in the rest of the Pent.

rebelled, etc.] Heb. *defied the mouth of*: another deuteronomic phrase.

27 the LORD your God: and ye murmured in your tents, and
said, Because the LORD hated us, he hath brought us forth
out of the land of Egypt, to deliver us into the hand of the
28 Amorites, to destroy us. Whither are we going up? our
brethren have made our heart to melt, saying, The people
is greater and taller than we; the cities are great and fenced

27. *and ye murmured*] Heb. *ragan*, not elsewhere in Pent. P uses a different verb.

in your tents] Transposing two consonants Geiger reads *against your God*. This change is unnecessary. Discontent with a report, originally suggested by the people themselves, and discontent that shaped itself (according to JE) to the demand for another leader, would at first be uttered in private.

Because the LORD hated us] To this extreme of unbelief and ingratitude were the people driven by the report of a few among themselves, in spite of their long experience of God's leading. The passage is eloquent of the fickleness with which a people will suffer the lessons of its past—facts of Providence it has proved and lived upon—to be overthrown by the opinion of a few 'experts' as to a still untried situation! To which the answer is memorable—Be the facts as the 'experts' assert, do ye try the situation and prove that God will be with you there as He has been with you before.

to deliver us into the hand of] A phrase frequent in D: 9 times, + 10 in deuteronomic passages in Jos., against 5 times in JE.

the Amorites] See on *v.* 7.

to destroy us] Another phrase so characteristic of D that in its active and pass. forms it occurs 28 times in the Bk + 5 in deuteronomic passages in Jos. against 4 or 5 times in all the rest of the Hexateuch.

28. *Whither are we going up?*] That is, to what kind of a land or a fate? In the Hex. the Heb. prep is used only of place by JE and D, only of time by P.

made our heart to melt] In the Hex. the phrase either thus or with the intrans. form of the verb is found only here, xx. 8, and in the deuteronomic Jos. ii. 11, v. 1.

greater and taller] Sam. and LXX *greater and more numerous*, J, Num. xiii. 28, 31, *strong...stronger than we*; E *id.* 33, *we were in our own sight as grasshoppers*; P, *id.* 32, *men of great stature*.

cities] So Sam.; LXX *and cities*.

great and fenced up to heaven] So ix. 1; J, Num. xiii. 28, *fenced, very great*. The presumably pre-Israelite walls of two cities have been excavated: Lachish (Bliss, *A Mound of Many Cities*, 27 ff.) and Gezer (Macalister, *Bible Side Lights from...Gezer*, 141 ff.). Each is about 14 ft thick; the latter (a little later than 1450 B.C.) still in parts from 10 to 14 ft. high 'can hardly be regarded as much more than the underground foundations.' If, as is usually reckoned, the thickness was

up to heaven: and moreover we have seen the sons of the

from ⅓ to ⅔ of the height this wall was from 21 to 42 ft, its impressiveness increased by the scarps and slopes from which it rose and by the towers that crowned it. Sellin has laid bare in Jericho a 'cyclopean' outer stone wall 5 m. (16·4 ft), crowned by a brick wall 2 m. thick and 6 or 8 m. (19½ to 26¼ ft) high. So that *up to heaven*, the height at which birds fly, is hardly an exaggeration.

Emerging from the desert, Israel were startled by two facts which still startle the tent-dwelling nomads—the walls of cities and the stature of the settled inhabitants. No Arab enters without fear a walled city for the first time, nor willingly passes the night there. Egyptian bas-reliefs and paintings distinguish the ampler figures of settled Syrians from the lean and meagre desert Arabs. To-day, as the present writer has frequently noticed, the same difference of average stature is obvious between the two classes. Cp. Burton (*Pilgrimage to Al-Medinah and Meccа*, II. 83, mem. ed.) on the short stature of the Arabs of the Hiğaz. The cause of this is the difference in nutriment (Doughty, *Ar. Des. passim*, Musil, *Ar. Petr.* III.). That early Israel felt these two impressions is one of many indications that they belonged to the nomad or Arab type of Semite. So far we are in the region of fact.

sons of the Anakim] Heb. without the art. as in ix. 2*a*; but *sons of the* '*A*. ii. 11; *sons of* '*Anak*, ix. 2*b*; J, Num. xiii. 28, *children of* (*yᵉlidê*, Scot. 'bairns') *the* '*Anak*; cp. 22, 33. Both forms in Jos. xv. 14. The Ar. '*anaḳa* is 'to overtop,' '*unk*, 'neck,' and in plur. 'outstanding men,' *ʿunak*, 'long-necked,' 'tall' (*ʿanḳa*, a mythical beast, Wellh. *Reste*, 158, 216). In Jos. xv. 13, xxii. 11 (P or edit.) 'Anak has become the name of the ancestor of the 'Anakim (cp. LXX *mother-city of the* '*A*., which shows how the personification arose). The root still occurs in place names 'Ain 'Eneḳ, S. of Ma'ân, and Jebel 'Eneik, S. of 'Ain Ḳudeis, due perhaps to the shape of the ground. E, Num. xiii. 33, has *there we have seen the Nᵉphilim* (to which an edit. hand has added *sons of* '*Anak which come from the N.*) who in Gen. vi. 4 are said to be sprung *from the sons of God and daughters of men*, *mighty men* (LXX *giants*) *of old*, *men of renown*. LXX also render N. *Giants*, and Nephila was the Aram. name for Orion, Giant *par excellence*. A note, ii. 11 (below), connects the 'Anakim with another racial name, *Rᵉpha'im*, of whom 'Og, of the great sarcophagus, was one of the last, iii. 11. R. is also the name in later Heb. literature for *shades* or *ghosts* of the dead, as if *flaccid* or *powerless*. Applied to an aboriginal race of giants (cp. the allied collective form *The Raphah*, 2 Sam. xxi. 16) it may have meant either the *exhausted* and *vanishing* or the *shadowy* race, or perhaps *limp* and *flaccid*, in derision of the notorious flabbiness of monstrously tall men. LXX render R. by *giants* or *Titans* (Gen. xiv. 5; 2 Sam. v. 15, etc.).

NOTE ON THE GIANTS. The O.T. associates this vanishing race of giants with the neighbourhood of Hebron and the E. of Jordan, where structures of huge stones abound, and individual giants are said to have

29 Anakim there. Then I said unto you, Dread not, neither
30 be afraid of them. The LORD your God who goeth before you, he shall fight for you, according to all that he did for

lived in the time of David. The latter notices are perfectly credible; single giants being then as possible as they have been at all other periods. The present writer saw in the asylum at Asfuriyeh a Syrian of unusual height, who was born with six fingers on each hand like the giant in 2 Sam. xxi. 20. But the question of gigantic races in primitive ages vanishing before historic man must be judged in the light of the following. *First*, stories of such giant races are universal, e.g. among the Babylonians (Jeremias, *Das A.T. im Lichte des alten Orients*, 76, 120 f., 359), Phoenicians (Eusebius, *Praep. Evang.* I. 10 from Philo Bybl.), Greeks (the stories of Titans and Cyclopes), the nations of N. Europe, modern Arabs and Syrians (Thomson, *Land and Book*, 586 f.; Doughty, *Ar. Des.* I. 22). *Second*, many of these traditions are associated with remains of cyclopean masonry, and have obviously arisen in order to account for these, the giant races being nearly always described as builders; moreover the giants are generally derived by birth from the gods. *Third*, though stories have been current from time to time of the discovery of monstrous human skeletons and bones, e g. Plutarch, Pliny and even as late as Buffon, yet where it has been possible to test these the bones have been recognised as those of elephants, mastodons, etc.; while the discovered remains of pre-historic man show generally a stature under the average; this is also true of Mr Macalister's finds of pre-Semitic remains in Gezer (the sole exception seems to be the average of the Cro-Magnon remains and this is only 5·839 feet). *Fourth*, the Hebrew tradition of a giant race exhibits the features already noted in such stories elsewhere: the race has disappeared, its memory is connected with cyclopean remains, it is said to have descended from the union of divine and human beings. These marks, along with the mythical names given to the race, Nephîlîm and Repha'îm, make it clear that, like its analogies among other peoples, Israel's tradition of a primitive race of giants is borrowed from an imaginative folk-lore.

29. *Dread not, neither be afraid*] See on *v.* 21. Num. xiv. 9 has only the second verb and in a less emphatic form. *Neither be afraid* (lo-ta'arsûn) not elsewhere in prose. But see xxxi. 6.

30. *who goeth before you*] Heb. emphatically, *the goer before you is He*, found only in D as here or with slight differences, i. 33, xx. 4, xxxi. 6, 8; J, Ex. xiii. 21, has the same part. without the def. art. adding the pillar of cloud and pillar of fire; E, Ex. xiv. 19, *the angel of God going before the camp*. It is in such differences of style as well as of figure that the distinction of D consists. See Driver on Ex. xiii. 21 and xiv. 9.

he shall fight for you] Cp. JE, Ex. xiv. 14, and these deuteronomic passages: Ex. xiv. 25: Deut. iii. 22; Jos. x. 14*b*, 42, xxiii. 3, 10.

you in Egypt before your eyes; and in the wilderness, where 31
thou hast seen how that the LORD thy God bare thee, as a
man doth bear his son, in all the way that ye went, until ye
came unto this place. Yet [1]in this thing ye did not believe 32
the LORD your God, who went before you in the way, to 33
seek you out a place to pitch your tents in, in fire by night,
to shew you by what way ye should go, and in the cloud by

[1] Or, *for* all *this thing*

before your eyes] LXX omit. Cp. iv. 6, 34, vi. 22, ix. 17, xxv. 3, 9, xxviii. 31, xxix. 1, xxxi. 7, xxxiv. 12; Jos. x. 12, xxiv. 17. Here Moses insists that the people must prefer their experience of God to the reports of the spies about a situation not yet reached. See *v.* 27.

31. *the wilderness, where thou hast seen how that...thy God bare thee*] The second of the Sg. passages in this discourse. If we omit it the rest of the verse in the Pl. address follows suitably on the initial conjunction: *and in all the way ye went until ye came to this place.* Possibly, therefore, the Sg. clause is a later insertion (so Stärk, Steuern., Berth.). Yet it may be argued that the author has himself naturally changed from Pl. to Sg. under the influence of the metaphor he uses; the nation being personified by the metaphor and therefore conceived in the Sg.

bare thee] Rather, **hath borne thee**. This figure for the Divine Providence is frequent in the O.T.; whether with the accompanying simile, *as a man his son*, i. 44, viii. 5; cp. Hos. xi. 1 f.; or with another, *on eagles' wings*, xxxii. 11; Ex. xix. 4 (both JE); or with no addition, Hos. xi. 4; Is. xlvi. 4; lxiii. 9; or as implied in other words xxxii. 13, *he made him to ride*; xxxiii. 27, *underneath are the everlasting arms.* Isaiah xlvi contrasts the dead idols that need to be carried with the living God who carries His people. The same idea, that religion is not what we have to carry but what carries us, is enforced nowhere more finely than in D in which faith in God means buoyancy and progress, the experience of being lifted and forwarded.

unto this place] iii. 29, the valley over against Beth-Pe'or. Cp. ix. 7, xi. 5, and with a different prepos. xxvi. 9, xxix. 6.

32. *Yet in this thing*] Rather, **in spite of this word**, *vv.* 29—31.

ye did not believe] Heb. *ye were not believing* (participle), i.e. **ye continued**, or **persisted, not to believe.**

33. *who went before you*] See on *v.* 30, and cp. Ex. xiii. 21.

to seek you out a place] The same verb, *tûr*, which P uses for exploring; see on *v.* 22. This is the only instance of its use in D. Some, therefore, take the verse as a later gloss, which but repeats what is described in *v.* 30 f. (yet repetition is a mark of D's style), while the rest of the verse consists of variations of JE, Ex. xiii. 21, Num. xiv. 14. For P's additions to the close of this episode see above.

fire by night...cloud by day] See on Ex. xiii. 21.

34 day. And the LORD heard the voice of your words, and was

34—40. GOD'S ANGER AND JUDGEMENTS.

Provoked by the people's words (34) God swore none should see the good land (35) but Kaleb, son of Y'phunneh; because he had fully followed Jehovah, to him and his children it should be given (36). Even with Moses was God angry for the people's sake, saying, Thou shalt not come in thither (37); Joshua shall lead Israel to their heritage (38); and the people's children possess it (39). Those addressed must turn back into the wilderness towards the Red Sea (40).—The parallel account, Num. xiv. 10*a*—39, is divided (somewhat precariously) between JE and P. In JE, *vv.* 11—24, 31 (?) Jehovah asks how long the people are to despise Him. He will smite and disinherit them, making of Moses himself a greater nation. Moses argues that other peoples will then say Jehovah is unable to carry Israel to the Land; and pleads His revealed mercy. Jehovah pardons, yet decrees that all who have seen His power but have not obeyed shall perish: only Kaleb who hath fully followed and his seed shall possess it, also the people's little ones shall be brought in. In P, *vv.* 10*a*, 26—30, 32—39*a*, the divine glory descends on the tent of meeting and Jehovah asks how long He is to bear with this evil congregation whose murmuring He has heard. All from 20 years old and upwards shall perish except Kaleb and Joshua. This sentence is then expanded, and the spies who have brought an evil report are struck with the pestilence.

All these accounts agree in attributing to the people's unbelief, after the report of the spies, a sentence of death on the adult generation, characteristically defined by P. The differences are (1) the usual distinctions of language (see notes below); (2) D and P omit Moses' argument given by JE; P substitutes the descent of the glory of God; (3) JE and D except Kaleb from the doom, P Kaleb and Joshua (but an addition to D *vv.* 37, 38 also excepts Joshua); (4) P alone (as usual) associates Aaron with Moses; (5) the addition to D extends God's anger to Moses for the people's sake; JE, on the contrary, declares God will make of Moses a greater people; while P (see on *v.* 37) attributes Moses' exclusion from the land to his own sin on an occasion 37 years after the present episode. Part of the analysis of Num. xiv. being precarious and the integrity of Deut. i. 36—39 being doubtful we cannot say whether these differences of fact are reconcilable. Yet their coincidence with the distinctions of style and religious feeling among the three documents cannot be ignored: and the probability remains that here as elsewhere we have more or less independent traditions of the same event. Since Calvin, who in his harmony of the four last Bks of the Pent. removes Deut. i. 37, 38 from its context to a connection with Num. xx. 1—13, the explanation has been offered that the deuteronomic passage is not chronological; but even this arbitrary act of literary criticism does not meet the difficulty of the statement that Jehovah was angry with Moses *for the people's sake*.

34. *the voice of your words*] So v. 28 and not elsewhere.

wroth, and sware, saying, Surely there shall not one of these 35
men of this evil generation see the good land, which I sware
to give unto your fathers, save Caleb the son of Jephunneh, 36

34. *and was wroth*] Heb. *wayyiḳṣoph*, ix. 19 and twice in P, but not elsewhere of God in Pent. The causative form *to provoke* God only in ix. 7 f., 32.

and sware] See on *v.* 8.

35. *of this evil generation*] Omit *of*; the clause being in apposition to *these men*. It is not in the LXX and is generally taken as a later explanation that *these men* are not merely the spies but the whole adult generation (Dillm.). Whether a gloss or not the explanation is correct.

the good land] JE, Num. xiv. 23; Ex. iii. 8, *a good land*; cp. Num. xiii. 19, *whether good or bad*; P, Num. xiv. 7, *a very, very good land*. Contrast the frequency of the phrase in D and deuteronomic passages, iii. 25, iv. 21 f., vi. 18, viii. 7, 10, ix. 6, xi. 17; Jos. xxiii. 16: *a good soil*, Jos. xxiii. 13, 15.

to give] Sam. and LXX omit.

36. *save*] Heb. *zilthî*, in the Hex. only here, iv. 12 and Jos. xi. 13.

Caleb the son of Jephunneh] In the O.T. Kaleb—probably meaning *dog* (as from a tribal totem, W. R. Smith, *Kinship*, 200, 219), though other meanings have been suggested[1]—is the name both of an individual and of a tribe, as among other Semites; Nabatean Kalba (Cooke, *N. Sem. Inscr.* 237); Arab. Kilâb (Wellh. *Reste*, 176 f., 217) and el-Kleib, a small tribe (Musil, *Ar. Petr.* III. 120 f.). In JE frequently Kaleb alone (Num. xiii. 30, xiv. 24; Jos. xv. 14, 16 f.); those passages in JE in which he is called *son of Y^ephunneh*[2] are usually regarded as editorial, but it would be rash to say that the name of his father was not already found in JE by the deuteronomists. In D and P *Kaleb the son of Y^ephunneh* (Num. xiii. 6, xiv. 6, xxxii. 12, xxxiv. 19). According to J, Jos. xv. 17 (=Judg. i. 13) Kaleb was the brother of Ḳênaz (the sons of Ḳênaz were Edomite, Gen. xxxvi. 11, 15, 42) and is called the Kenizzite in secondary passages of JE, Jos. xiv. 6, 13 f., which also explain along with Jos. xv. 13 how Joshua gave him Hebron in fulfilment of Moses' promise to him. In David's time the clan was still distinct from Judah or at least the memory of its original distinction was then preserved, 1 Sam. xxx. 14. Yet according to P, Num. xiii. 6, xiv. 6, xxxiv. 19, Kaleb the spy was already of the tribe of Judah, and so the tribe or its ancestor is reckoned by the genealogies, 1 Chron. ii. 9, 18 ff., 42 ff., iv. 15. This history of the

[1] Sayce (*Early Hist. of Hebr.* 265) points out that in the Tell-el-Amarna letters and later Assyr. despatches *kalbu*, 'dog,' is used of the king's officers; but surely this is a term of humility; Hommel (*Geogr. u. Gesch. d. alt. Orients*) identifies Kaleb with Kalabu (Kalibu) 'priests.'

[2] *He* (God?) *is turned*; cp. Palmyrene Ithpani, Cooke, p. 276.

he shall see it; and to him will I give the land that he hath trodden upon, and to his children: because he hath wholly
37 followed the LORD. Also the LORD was angry with me for
38 your sakes, saying, Thou also shalt not go in thither: Joshua the son of Nun, which standeth before thee, he shall go in thither: encourage thou him; for he shall cause Israel to

name proves that the tradition held Kaleb the spy and Kaleb the ancestor of the tribe to have been the same. Yet it is possible that there was more than one possessor of so general a name; in connection with which, notice that neither in E, Num. xiii. f., nor in D is Kaleb described as a Kenizzite or indeed as anything but an Israelite.

to him will I give the land...and to his children] JE Num. xiv. 24, *his seed shall possess it.*

that he hath trodden upon] JE, Num. xiv. 24, *whereinto he went.* 'D in harmony with its more elevated style uses the choicer and more expressive word, xi. 24 f.; Jos. i. 3, xiv. 9' (Driver).

because] Heb. *ya'an ᵃsher*, JE. *in consequence of, 'ekeb.*

hath wholly followed the LORD] Heb. *hath fulfilled after Jehovah.* Jehovah, being the speaker, we expect rather *after me*, as in Num. xiv. 24; and so doubtless it was originally here *'aḥᵃrai*, the last letter of which has been mistaken by a scribe for the initial of Jehovah. Sam. and LXX, *after Jehovah.*

37. *Also the LORD was angry with me for your sakes*] The Heb. order is more emphatic, *also with me was Jehovah angry—hith'annaph*, peculiar in the Pent. to D, and to its passages in the Pl. address, here, iv. 21, ix. 8, 20—*for your sakes, biglal'kem.* So in different terms iii. 26, *was angry, yith'abber, for your sakes, l'ma'an'kem*; and iv. 21, *hith'annaph* and *'al dibrêkem.*

Thou also shalt not go in thither] Heb. *even thou* or *for thy part thou*, etc.

38. *Joshua the son of Nun*] So iii. 28; P, Num. xxvii. 18 ff.; not given in JE.

which standeth before thee] x. 8; so a servant stood before his lord, a courtier before his king, and the Levites before Jehovah. JE, Ex. xxiv. 13 f., *the minister of Moses.*

encourage thou him] lit. *him make thou strong.* The vb *ḥizzek*, alone as here, or with the synonymous vb *'immes* iii. 28; or in their intransitive forms xxxi. 6, 7, 23. Cp. xi. 8, xii. 23 (*be firm*).

cause...to inherit] characteristic of D: used of Joshua here, iii. 28, xxxi. 7; Jos. i. 6; but of God xii. 10, xix. 3. Outside D only in Jer. iii. 18, xii. 14; Ezek. xlvi. 18 and later writers. P uses another form of the vb, Nu. xxxiv. 29; Josh. xiii. 32, xiv. 1, xix. 51.

Further Note to vv. **36—38.** Because Moses has just been described as seeking to turn the people from their sin, 29 ff., and it is therefore unreasonable to include him in their punishment; because

inherit it. Moreover your little ones, which ye said should 39
be a prey, and your children, which this day have no knowledge of good or evil, they shall go in thither, and unto them will I give it, and they shall possess it. But as for you, turn 40

vv. 37 and 38 needlessly anticipate iii. 26, 28 and iv. 21; and because *v.* 39 in whole or part follows suitably on *v.* 36; therefore *vv.* 37 and 38 are taken by many (Dillm., W. R. Smith, Steuern., Berth, etc.) as a later addition to the text. And indeed the beginning of *v.* 39 shows that the original has been disturbed by an editorial hand (see below). Steuern. would also omit *v.* 36 on the ground that Kaleb has not been previously mentioned in this survey. But Kaleb is mentioned in JE on which this survey otherwise depends. In whatever way these textual questions may be decided, the parallel passages iii. 26 ff. and iv. 21 confirm the fact of a D tradition or statement that Jehovah was angry with Moses for the people's sake. This can only mean, their guilt was great enough to include the very leader who had done his best to dissuade them from their disaffection! Now neither JE nor P gives any hint of so remarkable a judgement. On the contrary, P accounts for the exclusion of Moses by his own sin in striking the rock at Kadesh 37 years after this disaffection of Israel, Num. xxi. 10 ff., xxvii. 13 f.; Deut. xxxii. 50 f. The most reasonable explanation of such discrepancies is that they are discrepancies not of fact but of opinion. The earliest tradition, JE, merely held the facts that Kaleb survived and that Moses died on the eve of the possession of the Promised Land. The problem, which arose from this contrast of fortune, the deuteronomic writers solved by the statement that Moses was included in the guilt of the people when, startled by the report of the spies, they refused to invade Canaan from the S. in the second year of the wandering; and this agrees with the deuteronomic principle of the ethical solidarity of Israel. But the later priestly writer or writers, under the influence of the idea, first emphasized in the time of Jeremiah and Ezekiel (Jer. xxxi. 29 f., Ezek. xviii.), that every man died because of his own sin, found a solution for the problem in Moses' own guilt in presumptuously striking the rock at Kadesh, 37 years later. In this double engagement, from two different standpoints, with so difficult a problem, note the strong evidence that the survival of Kaleb and the death of Moses before Israel's entrance to the Land were regarded as irremoveable elements of the early tradition.

39. *Moreover your little ones, which ye said should be a prey*] Tautologous with the rest of the verse and wanting in the LXX; therefore probably an editorial addition from Num. xiv. 31.

who this day have no knowledge of good or evil] Who are not of a responsible age, fixed by the more exact P at 20 years and over, Num. xiv. 29. Sam. omits.

40. *turn...take your journey*] See on *v.* 7 and *v.* 9.

you, and take your journey into the wilderness by the way
41 to the Red Sea. Then ye answered and said unto me, We
have sinned against the LORD, we will go up and fight, accord-
ing to all that the LORD our God commanded us. And ye
girded on every man his weapons of war, and [1]were forward
42 to go up into the mountain. And the LORD said unto me,
Say unto them, Go not up, neither fight; for I am not among
43 you; lest ye be smitten before your enemies. So I spake
unto you, and ye hearkened not; but ye rebelled against the
commandment of the LORD, and were presumptuous, and

[1] Or, *deemed it a light thing*

by the way to the Red Sea] **in the direction of**: no definite road is meant. They are ordered back into the wilderness, when already on the verge of the good land.

41. *We have sinned against the* LORD] Sam. and LXX add *our God*: cp. JE, Num. xiv. 40*b*, *we have sinned.*

we will go up and fight] **we, we will go up,** etc. We ourselves, the doomed generation, and not leave the advance to our children. JE, *Behold us, we will go up.*

and were forward to go up] **deemed it a light thing to go up** (R.V. marg.). The verb (*tahînu*) does not occur elsewhere in the O.T. and ancient translators gave it various meanings. In Ar. the same root is 'to be slight' or 'light' (see on *v.* 43); the causative Heb. form is best rendered *made light of*. This quick revulsion of popular feeling is true to life and admirably depicted. The change was too facile to be real. It is remarkable how alike Hosea and the authors of D are in their attitude to such ethical phenomena. As Hosea declares of his generation (v. 15 ff.), so the generation of Moses does not appreciate how deep is its evil disposition; and, therefore, its repentance is futile. Mere enthusiasm is no atonement for guilt. Men cannot run away from their moral unworthiness on bursts of feeling. The next verse tells that God rejected the light-minded offer; and the truth underlies both verses that He did not do so arbitrarily. Lack of the sense of the seriousness of obedience, of the difficulty of doing God's will, of the agony which Christ supremely felt, is as great a sin as the refusal to obey. Both are equally proof of unworthiness to work with God. He can do nothing with such shallow natures.

42. *Say unto them, Go not up...for I am not among you*] JE, Num. xiv. 42. See previous note.

lest ye be smitten, etc.] JE, Num. xiv. 42.

43. *rebelled*] See on *v.* 26.

and were presumptuous] Heb. *boiled over*, acted impulsively and with passion or rebelliously, xvii. 2, xviii. 20.

went up into the mountain. And the Amorites, which 44
dwelt in that mountain, came out against you, and chased
you, as bees do, and beat you down in Seir, even unto
Hormah. And ye returned and wept before the LORD; but 45
the LORD hearkened not to your voice, nor gave ear unto

44. *the Amorites*] So D characteristically (see above on *v.* 7) names the peoples whom J. Num. xiv. 45, calls *Amalekites and Canaanites*.

as bees do] Swarming in their multitudes; cp. Is. vii. 18: Ps. cxviii. 12; *Iliad*, II. 87 ff., 'As when the tribes of thronging bees issue from some hollow rock.'

in Seir] *Se'ir*, the frequent name of the territory of Edom, extended to the W. as well as to the E. of the 'Arabah; and if that be here intended Israel's defeat took place on Edomite soil; Sam. 'in Gebala' (Gebal being a late post-exilic name for the N. part of Edom's territory on the E. of the 'Arabah, Ps. lxxxiii. 8: see 'Land of Edom' by the present writer in *Expositor*, seventh series, vol. VI. pp. 331, 515). LXX and other versions read *from Se'ir*, which on such a reading would be a definite district in the N. whence Israel were driven southward to Hormah. And as Se'ir, *rough* or *shaggy*, appears as the name of other localities than the land of Edom (cp. Jos. xv. 10; Judg. iii. 26; *Tell-el-Amarna Letters*, Winckler's ed. No. 181, line 26) it is possible that this is but another application of it to some place on the S. border of Palestine. But in that case one must not think of it as the plain of Seer, S.E. of Be'er-sheba', which Trumbull (*K. B.* 93) identifies with the Edomite Se'ir (cf. Driver); for the spelling of that, first correctly given by J. Wilson (*Lands of the Bible*, I. 345) and confirmed by Palmer (*Des. of the Exod.* II. 404) and Musil (*Edom*, I. 9, etc.), as Sirr, is radically different from Se'ir.

unto Hormah] Not now to be identified. Musil's lists and maps discover no such place-name. The tradition of the origin of the name is double. According to JE, Num. xxi. 3, it was so called because Israel devoted to the herem or ban the Canaanites whom they defeated there; but in Judg. i. 17 because Judah and Simeon did the same upon their victory. The place lay in Judah in the Negeb on the border of Edom, Jos. xii. 14, xv. 30; cp. 1 Sam. xxx. 30; but it was Simeon's according to Jos. xix. 4, 1 Chron. iv. 30. In Judg. i. 17 the ancient name is given as Sephath; and es-Sbaita (Musil, *Edom*, II. 37 ff.) has been suggested as its mod. equivalent, but the radicals of the name are not the same. The situation, however, is suitable; some 25 miles N.N.E. of 'Ain-Kudeis.

45. *nor gave ear*] A poetic word used in the Hex. in prose only here and in the deuteronomic passage, Ex. xv. 26 (see Driver). The repentance of the people is not even yet satisfactory; see on 41.

46 you. So ye abode in Kadesh many days, according unto the days that ye abode *there*.

46. *So ye abode in Kadesh*] So JE, Num. xx. 1*b*, but apparently of a later residence than this.

many days, according unto the days that ye abode there] 'An example of the "idem per idem" idiom often employed in the Semitic languages, when a writer is either unable or has no occasion to speak explicitly' (Driver). Cp. ix. 25, xxix. 16 [15]; 1 Sam. xxiii. 13, etc.

If this verse be from the writer of the rest of this discourse the time implied cannot, in the light of his further statements in ii. 1 and 14, amount to years; for the 2nd of the 40 years was already either wholly or nearly exhausted and these verses state that all the next 38 were spent between Kadesh and the Moabite frontier. But as we shall see in the introd. to the next section JE attributes to the people a very long residence in Kadesh, in fact the bulk of the 38 years. Probably, therefore, the indefinite statement of this verse is not from the writer of the rest of this discourse, but from an editor aware of the divergent traditions; in further evidence of which observe that he uses the simple Kadesh instead of the Kadesh-barnea' employed in the rest of the discourse.

Ch. II. 1 8*a*. From Kadesh-Barnea' round Mt Se'ir.

The discourse continues: After the repulse on Kadesh (i. 45), Israel turned back towards the Red Sea, skirting Mt Se'ir many days (ii. 1), when Jehovah said, Enough, turn N.! (2 f.); in crossing Esau's land Israel must purchase bread and water (4—6); for—here the address changes from Pl. to Sg.—thou hast lacked nothing these 40 years (7); so they passed (Pl. resumed) through the sons of 'Esau in Se'ir, leaving the 'Arabah with Elath and 'Eṣion-Geber behind them (8*a*). The many days of the skirting of Mt Se'ir before they turned N. is to be defined, if not by the 40 years of *v.* 7, then by the datum in *v.* 14: 38 years from Kadesh to the Moabite border. The section implies a slow drift of Israel from Kadesh along Mt Se'ir and says nothing of a return to Kadesh.

In JE the same march is differently described. After the repulse on Kadesh comes the story of Dathan and Abiram (interlaced with one by P of Korah's rebellion), Num. xvi., the death of Miriam and strife of the people with Moses (interlaced with a parallel from P), Num. xx. 1—13. Still at Kadesh Moses requests a passage through Edom, promising not to harm vineyard or field and to pay for water, and is refused (Num. xx. 14—21*a*). Israel then turn from Edom, journeying from Kadesh (*id.* 21*b*, 22*a*). Having defeated the Canaanite king of Arad in the Negeb (with another explanation of the name Hormah, Num. xxi. 3; cp. above i. 44) Israel journey towards the Red Sea, to compass Edom, and murmuring at the length of the way are bitten by fiery serpents, whereof many die till Moses makes a bronze serpent,

to which whoever looks lives (Num. xxi. 4*b*–9). Then they reach the wilderness E. of Moab (11*b*).

According to P, as we have seen, the spies were sent from and returned to—not Ḳadesh in the desert of Sin as JE and D report—but the desert of Paran (Num. xii. 16*b*, xiii. 1–3, 25, 26*a*, xiv. 35) which lay S. of that of Sin (cp. Num. xiii. 3 with 21*b*); and it was in Paran that the sentence of 40 years wandering was pronounced (Num. xiv. 33 f.). Some legislation follows (Num. xv.), the story of Ḳorah interlaced with JE's of Dathan and Abiram (xvi. 1–40), the miracle of Aaron's rod (xvii. 1–11), and other things (xvii. 12–19). Only now do Israel move to the desert of Sin (Num. xx. 1*a*) identified with Ḳadesh (Num. xxxiii. 36). The date of the removal is given as the 1st month, but curiously no year is mentioned (Num. xx. 1*a*). The last previous date in P was that of the start from Sinai, 2nd month of the 2nd year (Num. x. 11), while the next stage after Ḳadesh is Mt Hor (Num. xx. 22*b*), reached in the 40th year (Num. xxxiii. 37 f.). But, since P notes at Ḳadesh only the people's murmuring for water and the struck rock (interlaced with a parallel from JE, Num. xx. 1–13), the bulk of the time of wandering, all in fact from the 2nd to the 38th year was, according to P, spent by Israel in Paran. The reason of the curious omission of the year of arrival at Ḳadesh, Num. xx. 1*a*, is now clear. It would not harmonise with JE, which brings Israel to Ḳadesh in the 2nd year, and was therefore omitted probably by the compiler of JE and P (Noldeke, *Untersuch.* 83; Dillm.). After Mt Hor P mentions only one other stage 'Oboth, before 'Iye-'Abarim on the border of Moab (Num. xxi. 4*a*, 10, 11*a*). P thus says nothing of the march from Ḳadesh towards the Red Sea and round Mt Se'ir. This agrees with the itinerary in Num. xxxiii., which carries Israel from Mt Hor across the N. (not the S.) end of Mt Se'ir by Punon or Pinon, now Fenân in el-Gebâl, to 'Oboth and 'Iye-'Abarim (*vv.* 41 f.).

Comparison of these three (or four?) traditions of Israel's march from Sinai to Moab is hampered by the uncertainty whether we have them complete or only in fragments. D's review is only a summary; if we had the JE account in its original form we might find the apparent difference between the two—JE assigning the bulk of the 38 years to Ḳadesh and its environs, but D to the march between Ḳadesh and the S. end of Mt Se'ir—to be no real difference. They agree in carrying Israel from Sinai to Ḳadesh in the 2nd year; and as Dillm. remarks on Deut. ii. 1, D's view of the progress after the repulse of the attack on the Amorites 'is not so very different' from that of JE. But whether we have the full account of P or not, it is very clear from what we have, that according to P Israel spent from the 2nd to the 38th year in the desert of Paran from which they then passed N. to the desert of Sin or Ḳadesh, while JE and D bring them to Ḳadesh in the 2nd year and assign the years 2 to 40 to their residence there and their march to Moab. Again, the silence of P as to a return S. from Ḳadesh round Mt Se'ir may be due to the compiler's omission of this from P's original narrative; but there remains the itinerary in Num. xxxiii. which un-

2 Then we turned, and took our journey into the wilderness
by the way to the Red Sea, as the LORD spake unto me:
2 and we compassed mount Seir many days. And the LORD
3 spake unto me, saying, Ye have compassed this mountain
4 long enough: turn you northward. And command thou the
people, saying, Ye are to pass through the border of your

doubtedly brings Israel from Kadesh to Moab across the N. end of Mt Se'îr. Further, there is D's omission of the JE account of the embassy to Edom from Kadesh, with the request that Israel paying their way might pass through Edom, and obviously across the N. part of Mt Se'îr, which was refused; and we have instead the statement in this section that from the 'Arabah Israel, without previously seeking permission, passed round the S. part of Mt Se'îr, charged by God to pay their way. Unless we are to assume the very improbable alternative, that both things happened, we must see in these two accounts variant traditions of the direction of Israel's march from Kadesh to Moab.

1. *Then we turned,* etc.] See on i. 7.

by the way to the Red Sea] Rather, **in the direction of the Red Sea.**

as the LORD spake unto me] i. 40.

and we compassed mount Seir] The range E. of the 'Arabah: see on i. 2, 44. [JE, Num. xxi. 4 *b*, *by the way to the Red Sea, to compass the land of Edom.*

many days] As in i. 46, indefinite; that a long time is intended is clear from *v.* 14, which states that Israel spent 38 years between Kadesh and the Zered; while *v.* 7, whether from the same hand or not, implies that the 40 years from Egypt had practically all passed when the people turned N.

3. *Ye have compassed this mountain long enough*] For the idiom see on i. 6.

turn you northward] Marching from Kadesh down the W. of Mt Se'îr, Israel had now reached not the sea, but probably the mouth of the W. el 'Ithm (or Yitm), which opens N.E. from the 'Arabah across or round the S. end of Mt Se'îr. By this natural avenue, along which the Hajj road from Damascus to Mecca runs, they would reach the plateau E. of Mt Se'îr on their way to the Moab frontier. The W. el 'Ithm, opening from the 'Arabah about 8 hours N. of the sea, cuts upwards through the southmost of the modern divisions into which the country anciently inhabited by Edom is divided, el-Hisma or Hesma. (See Doughty *Ar. Des.* I. 45; Musil, *Edom*, I. 2, 265, 270, etc.)

4. *Ye are to pass*] The Heb. participle expressing, as often, the immediate future.

through the border] Rather **through the territory**. The preposition is the same as that used in Israel's request in JE, Num. xxi. 17, *let us pass through thy land* and in Edom's reply, *thou shalt not pass through*

brethren the children of Esau, which dwell in Seir; and they shall be afraid of you: take ye good heed unto yourselves therefore: contend not with them; for I will not give you 5
of their land, no, not so much as for the sole of the foot to tread on: because I have given mount Seir unto Esau for a possession. Ye shall purchase food of them for money, that 6
ye may eat; and ye shall also buy water of them for money,

mē. Had the meaning been *on* or *along the border*, another preposition would have been used. The territory of Edom appears to have reached the sea (1 Kgs ix. 26), and Israel must needs cross it on the way to Moab.

your brethren, the **sons** *of Esau*] xxiii. 7; Am. i. 11; Obad. 10, 12; Mal. i. 2.

which dwell in Seir] *Se'ir* is here equivalent to Mt Se'ir as the next verse shows; yet the range, running S., droops and gives way before the W. el 'Ithm is reached, up which we have supposed that Israel marched.

and they shall be afraid of you] Heb. *so that they shall be afraid of you*. This is the temper imputed to Edom by JE when Israel asked leave to cross their land from Kadesh, Num. xx. 18–20.

take ye good heed unto yourselves] Another favourite expression of the deuteronomic writers.

5. *contend not with them*] In its causative form the Heb. verb means *to stir up*, e.g. strife, Prov. xv. 18, etc.; here the reflex. form is to *excite oneself* against another, to *quarrel* with them. In the Pent. found only in this chapter, *vv.* 9, 19, 24.

for the sole of the foot to tread on] xi. 24; Jos. i. 3.

I have given] Note the claim made by the God of Israel over other peoples (cp. Am. i. 3—ii. 3, ix. 7), also the memory or tradition that on their entry to Canaan Israel had not violated the rights of their kinsfolk. There is no hostile feeling towards Edom, such as became irrepressible in Israel after the Exile.

for a possession] Heb. *yᵉrushshah*, in the Hex. found only in this discourse, *vv.* 5, 8, 12, 19 *bis*, iii. 20, and in the deuteronomic Jos. i. 15, xii. 6, 7.

6. *Ye shall purchase...ye shall buy*] Heb. *shabar*, literally to *deal in grain* (Gen. xli. 57, etc.), but also victuals (Gen. xlii. 7), and *karah*, *to buy*, only here Hos. iii. 2 and in Job. JE, Num. xx. 19: *if we drink of thy water, I and my cattle, then I will give the price thereof*. To-day nomad Arabs, who winter in the warm 'Arabah, seek to cross Mt Se'ir with their cattle by one or other of several passes to summer pastures on the E. plateau and the wilderness of Moab. The passes are easily defended by the peasants of the Mt, who seek to prevent them; yet they are glad when the nomads travel on the edge of the desert, for then they can barter with them (Musil, *Edom*, II. 15). Where there

7 that ye may drink. For the LORD thy God hath blessed
thee in all the work of thy hand: he hath known thy walking
through this great wilderness: these forty years the LORD
8 thy God hath been with thee; thou hast lacked nothing. So
we passed by from our brethren the children of Esau, which
dwell in Seir, from the way of the Arabah from Elath and
from Ezion-geber.

are no brooks but only cisterns or easily guarded springs, the peasant possessors of these will refuse to sell even small draughts to one or two passing travellers, as the writer has more than once experienced; cp. Musil, *Moab*, 132. It is conceivable how water would be still more jealously guarded from a large caravan or host, with appetites sufficient to exhaust the cisterns. It is implied in *v.* 29 that Edom agreed to supply food and water.

7. *For the LORD thy God hath blessed thee*] Another formula recurrent in D.

in all the work of thy hand] Some Heb. MSS, LXX, Sam., *hands*: another recurrent phrase.

he hath known thy walking] Rather **hath cared for**. The Heb. verb *to know* means frequently, especially in a religious connection, to put the mind to, attend to, regard; cp. Gen. xxxix. 6: Potiphar *had no thought* or *care* about anything in Joseph's charge, 1 Sam. ii. 12; Prov. ix. 13, xxvii. 23; Job xxxv. 15. See *Book of the Twelve Pr.*, i. 321 f. But LXX read the verb here as imperative, *consider thy walking*.

these forty years] So exactly viii. 2, 4, also in the Sg. address. The tradition that the time of the wandering was 40 years, stated by Amos ii. 10, v. 25, is common to D and P (i. 3; Num. xiv. 33, xxxii. 13; cp. xxxiii. 38), also in editorial passages in JE, Jos. v. 6, xiv. 10. The Semites frequently reckoned by multiples of 4 and 40: the latter express many round numbers in O.T. chronology. *Forty years* seems to have been equivalent to a generation. That Israel was 40 years in the wilderness agrees with the tradition that a generation died out there. For the same equation in Babylonian chronology see *Modern Criticism and the Preaching of the O.T.*, 90 f., n. 1.

This verse is the third in the Sg. address. Note that in harmony with other Sg. passages it affirms the well-being of Israel during the 40 years, while the Pl. passages emphasise their dangers and losses. It is not necessary to the context, and therefore regarded as a later insertion. Yet it would not be unnatural for the same writer to change from Pl. to Sg. when taking a *conjunct* view of Israel's experience.

8. *So we passed by from our brethren*, etc.] The Heb. prep. *me'eth* is *from with*; but probably we should read merely *'eth* the sign of the accus.: *we crossed* or *passed through our brethren* (cp. 4 and 29). So LXX. Sam. readings are various.

from the way of the Arabah] The 'Arabah itself forms in winter

the most convenient passage from 'Elath and the Gulf of 'Akabah to the Dead Sea, with branch roads to Hebron and Kerak; but suffers from want of water and great heat in summer. It was much used in the early Moslem period, and probably by Hebrew commerce with the Red Sea under the monarchy.

Elath] A port on the N. end of the Gulf of 'Akabah (1 Kgs ix. 26; 2 Kgs xiv. 22), perhaps the same as El-Paran (Gen. xiv. 6). The name, translated by LXX Ailôn, and probably meaning *palms*, has persisted. Strabo, XVI. iv. 4, Ailana; Josephus, Ailana, Ilanis and Elathous ('now called Berenice'?); Ptolemy, Elana; the Christian Fathers, Aila and Ailia; Moslem Geographers, Wailah, Aila and 'Akabat Aila (Idrisi, *ZDPV*, VIII. 121); now el-'Akabah, a village amid ancient ruins on the N.E. corner of the Gulf, with Turkish fort and garrison. To the N.W. is a large grove of palms with numerous ruins, called Ila (Robinson, *B.R.* I. 250 ff.; Doughty *Ar. Des.* I. 44 f.; Musil, *Edom*, I. 256, 259 f.; 'the culture of the palm flourishes...the types of the settled families are quite Jewish'). In Greek times it gave its name to the Gulf as its successor 'Akabah does to-day.

Ezion geber] Beside Elath on the Red Sea in Edom's land; there Solomon built ships, 1 Kgs ix. 26, and a ship (so LXX) of Jehoshaphat was wrecked, xxii. 49. LXX Γασιὼν Γάβερ, and Ἐμασεειὼν Γάβερ, 1 Kgs ix. 26, probably *waters of 'Ezion-Geber*. Eusebius states that in his day it was Αἰσία (Jerome Essia); Makrizi, 15th century, 'a once important town 'Aṣiûn.' Robinson (*B. R.* I. 251) noted the corresponding consonants in the name W. Ghadiân, and Musil (*Edom*, I. 254, II. 183 ff., 189) describes the oasis Ma' Ghadiân in the 'Arabah. This lies 18 miles N. of the Sea; while the O.T. data place 'Eṣion-Geber beside Elath, whose site, as we have seen, is certainly on the present N.E. coast of the Gulf. Musil, however, reports that a tongue of the sea may once have reached Ma' Ghadiân; there are remains of fortifications and gardens across what is now desert (II. 199). His guide told of a town there whose inhabitants had many ships; but a violent rain brought down such masses of stone from some of the wâdies that the sea was pushed back to el-'Akaba (ii. 187). If the Ar. name be derived from the tree *ghaḍa'*, abundant in this region, it may have been attached to more places than one; or may have drifted as names easily do in Syria. The likeness between the LXX Ἐμασεειὼν and Musil's Ma' Ghadiân is noteworthy. The meaning of the second half of 'Eṣion-geber is uncertain, the transliteration of Josephus Γ. Γαβελός (VIII. *Ant.* vi. 4) may be due to confusion with Γεβάλ, i.e. Edom or Mt Se'îr.

8 *b*—15. Arrival on the Border of Moab.

Israel, having crossed Edom from the 'Arabah towards the wilderness of Moab (8 *b*), is charged not to treat Moab as a foe. Jehovah gave 'Ar, their land, to the children of Lot: this is in Sg. address (9); and there follow notes on the predecessors of Moab in 'Ar, and of Edom in Mt Se'îr (10—12). The Pl. is resumed in a charge to Israel to cross

And we turned and passed by the way of the wilderness
9 of Moab. And the LORD said unto me, Vex not Moab,
neither contend with them in battle: for I will not give thee
of his land for a possession; because I have given Ar unto

the Wâdy Zered, which they did (13); their time from Kadesh to the Zered being 38 years, and all the condemned generation being now dead under Jehovah's hand (14 f.).

For the parallels in JE and P (some of which have been already given) see below on the separate verses.

8 *b*. *And we turned*] See i. 7.

and passed by the way of] Rather, **crossed** (the land of Edom) **in the direction of**. Having come up N.E. by the W. el 'Ithm to the plateau they would *turn* due N. as the Hajj route does towards Moab.

the wilderness of Moab] More exactly JE, Num. xxi. 11: *the w. which is before Moab towards the sunrising*. For this region, see Doughty, *Ar. Des.* I.; Musil, *Moab, passim*, full descriptions with map. Israel kept so far E. not only to avoid the fertile and settled districts of Edom and Moab, but for the same reason also as the Hajj does, so as not to have to cross the lower stretches of the great cañon between Edom and Moab, the present Wâdy el-Ḥsa or 'Aḥsa. These lower stretches are deep, the sides steep and the roads over them difficult for laden caravans. The route of the Hajj, apparently that of Israel, crosses the much shallower head of this Wâdy on the desert border. Once over it they were in the wilderness E. of Moab. Probably in the Wâdy itself lay their station *'Iyê ha-'Abarîm on the border of Moab*, P, Num. xxi. 11 *a*: cp. xxxiii. 44. For here lie still cairns or stone-heaps known by the same name, placed to show the way across the damp, sunken soil. This tempts one to emend 'Iyê ha-'Abarim, usually interpreted as *heaps of the regions across* Jordan (cp. *Mts of the 'Abarim*), to distinguish the place from 'Iyîm and 'Ai in W. Palestine, to 'Iyê-ha-'Obᵉrim, *heaps of the passengers*.

9. *Vex not Moab*] Treat not Moab as a foe.

neither contend with them] See on *v.* 5.

Ar] *'Ar* (Num. xxi. 15) or *'Ar of Mo'ab* (*id.* 28) is in these passages a township, probably the same as *'Ir*, or *City of, Mo'ab, on the border of Arnon at the end of the border* (JE, Num. xxii. 36). Musil identifies it with the strong site and ruins of Medeyyneh on an upper tributary of the W. Môjeb or Arnon (see below on *vv.* 24, 36) on the edge of the desert (*Moab* 247, 338 ff. with photo. and plan; cp. the present writer in *Enc. Bibl.*, art. 'Ar and *Expositor*, seventh series, vol. VII. 138 ff.). But in Syria names have been at all times apt to extend from towns, especially capitals, to their districts and *vice versâ*. Here *'Ar* obviously is a district: the territory of Mo'ab. So in 'Isai.' xv. 1, LXX render 'Ar Mo'ab by ἡ Μωαβεῖτις. At the time of Israel's march the name would cover all the land between the W. el-Ḥsa and the W. Môjeb or Arnon, to the S. of which Mo'ab were confined by the Amorites.

the children of Lot for a possession. (The Emim dwelt 10
therein aforetime, a people great, and many, and tall, as
the Anakim: these also are accounted Rephaim, as the 11
Anakim; but the Moabites call them Emim. The Horites 12
also dwelt in Seir aforetime, but the children of Esau succeeded them; and they destroyed them from before them, and dwelt in their stead; as Israel did unto the land of his possession, which the LORD gave unto them.) Now rise 13
up, and get you over the brook Zered. And we went over

children of Lot] Gen. xix. 37; Ps. lxxxiii. 8 (9).

v. 9 is in the Sg. address and elided by Steuern. as the addition of a later hand. But some such warning as it gives in regard to the relations of Israel to Mo'ab was to be expected in this discourse, similar to that on Israel's relations to Edom and 'Ammon. The change to the Sg. may be due either to the fact that Moses himself is addressed or because for the moment Israel, in relation to Mo'ab, is regarded as a single whole. Sam. confirms the Heb. Sg.; but LXX has the Pl.

10—12. An archaeological note, rightly put in brackets by R.V., written after the settlement in W. Palestine, as is clear from the end of *v.* 12. This of course does not in itself prove that the note is by a later hand than the rest of the discourse.

10. *The Emim*] Only here and Gen. xiv. 5 which places the Emîm in Shaweh-Kiriathaim, probably *the plain* of the present Ḳureiyât, N. of Arnon. Whether the name is of an actual people or of mythical formation like Repha'im, Nephilîm, etc. as if from *'emah*, *fear*, or Ar. *'iyam* 'serpent' (Schwally, *ZATW*, XVIII. 135 f.), is uncertain.

11. *Rephaim...Anakim*] See on i. 28.

12. *The Horites*] Heb. *the Ḥorîm*; Sam. LXX, *Horî*. Possibly cave-dwellers, cp. Heb. *ḥôr*, Ar. *ḥawr*, *cave* or *hole*. Cave-dwelling is ascribed by Jerome (on Obad. 6) to the Edomites of his day; and is fully verified for the Nabatean period, at least, by the remains about Petra; but it is precarious to reason back from these facts to the meaning of the name of the primitive race, which preceded 'Esau in Mt Se'îr, especially as other etymologies of *Ḥorî* are possible. Sayce (*Higher Criticism and the Monuments*, 204) derives it from a root = *white* as if in contrast to the red-skinned 'Edom. R. A. S. Macalister has discovered at Gezer the remains of a pre-Semitic, cave-dwelling race, using stone-implements, and identifies these with the Ḥorîm.

13. *Now rise up*] Sam., LXX, *And now rise and break camp*; cp. *v.* 24.

and get you over the brook Zered] **Wâdy**, or **torrent-valley, Zered**. JE, Num. xxi. 12, *they marched thence*, the E. desert of Mo'ab, *and camped in the W. Zered*. The name, LXX *Zaret*, does not occur again in the O.T. nor is it in Josephus. Euseb. and Jer. give it only as the name of a desert wâdy. On the Mâdabâ Mosaic map (5th century)

14 the brook Zered. And the days in which we came from
Kadesh-barnea, until we were come over the brook Zered,
were thirty and eight years; until all the generation of the
men of war were consumed from the midst of the camp, as
15 the LORD sware unto them. Moreover the hand of the LORD
was against them, to destroy them from the midst of the
camp, until they were consumed.
16 So it came to pass, when all the men of war were con-
17 sumed and dead from among the people, that the LORD

a wâdy flowing to the Dead Sea, S. of Kerak, bears the letters ZAPEΔ, according to some, but if this reading be correct it may be no more than a conjecture. The theory that the Zered was the W. el-Ḥsa is impossible; as we have seen, Israel was already N. of that S. frontier of Mo'ab. Equally impossible is the view substituted for this by most commentaries, that it was an upper stretch of the W. Kerak; for Brünnow and Musil have shown that the W. Kerak runs up E. but a short distance from Kerak. N. of the W. el-Ḥsa the Ḥajj road crosses the W. es-Sulṭanî, the great S. affluent of the Môjeb or Arnon, and proper frontier between the fertile land of Mo'ab and the E. desert. The W. es-Sulṭanî forms a distinct landmark on this route, and, because of the water always to be found by digging in its bed, is a suitable camping-place. So Musil, *Moab*, 316, 319 *n.*, 15. But if this be the Zered, Israel crossed it not, as Musil implies, from E. to W.—for in that case they would have had to bend E. again to his probable site for 'Ar at Medeyyneh (see *v.* 9), or cross the difficult lower stretches of the Arnon—but from S.W. to N.E. as the Ḥajj road does now.

14. *thirty and eight years*] See above, introd. to ii. 1—8 *a*.

until all the generation of the men of war were consumed] See i. 35, 39.

15. *the hand of the LORD*] It was no natural death of the whole generation, but by special plagues from Jehovah; cp. JE, Num. xvi. 31 ff, xxi. 6; P, Num. xiv. 32, 37.

16—25. APPROACH TO THE 'AMMONITES AND AMORITES.

The adult generation having died out (16), Jehovah charged Moses that, being about to pass the border or cross the territory of Mo'ab (17 f.) and to approach 'Ammôn, Israel (Sg. address) must not fight the latter, for Jehovah gave that land to the sons of Lot (19). Follows an archaeological note on the predecessors of 'Ammôn (20—23); and then the command, in the Pl. address, to cross the Arnon (24 *a*); then, in the Sg., an assurance that Sîḥôn should be given into Israel's hands, they must fight him (24 *b*); for the dread of Israel would Jehovah put on all peoples at the mere report of Israel's approach (25).

This section is perplexing, because of the apparently proleptic mention of 'Ammôn, the use of the Pl. address only in 24 *a*, and the discrep-

spake unto me, saying, Thou art this day to pass over 18
Ar, the border of Moab: and when thou comest nigh over 19
against the children of Ammon, vex them not, nor contend
with them: for I will not give thee of the land of the children
of Ammon for a possession: because I have given it unto
the children of Lot for a possession. (That also, is ac- 20

ancy between 24 *b*, 25 and the next section, especially *vv.* 27—30. On these grounds, combined with the fact that there are no parallels in JE, on which document the rest of this discourse is based, there is a strong case for the opinion that this section is for the most part from another hand than the rest of the discourse. Steuern. indeed takes only 16, 17, 24 *a* as original. For details see notes.

18. *Thou art...to pass over*] See on ix. 1.

Ar, the border of Moab] See on *v.* 9. Here as there it is doubtful whether 'Ar is to be understood as the territory of Mo'ab, their crossing of which Israel are completing *this day*; or the N. limit of that territory which they are about to cross. Probably the latter.

19. *when thou comest nigh over against the children of Ammon*] **And thou shalt approach to the front of the Bnê 'Ammôn.** The expression is vague and the mention of 'Ammôn at this stage perplexing. It is true that, acc. to Judg. xi. 13, the 'Ammonites declared to Jephthah that Israel coming out of Egypt took away their land from Arnon even unto Jabbok. But the passage to which this belongs, Judg. xi. 12—28, generally regarded as late and confused, repels the 'Ammonite claim and affirms (*v.* 22) that the land between Arnon and Jabbok had been held by the Amorites. This, too, is the testimony of the oldest traditions JE, Num. xxi. 13, 24, 31 f., which also relate that the Amorites had taken that territory not from 'Ammon, but from Mo'ab (*id.* 26—30); cp. the evidence both of JE and P in Num. xxii. ff., that the land N. of Arnon was Moabite. The evidence thus preponderates that 'Ammôn was confined to a small territory on the upper Jabbok, where Rabbath-'Ammôn (chief town of 'A.) was situated (though before the 'Amorite invasion of E. Palestine they may have held the whole course of Jabbok and the country immediately S. of that). On the Arnon, therefore, Israel was still some 35 miles from Ammonite territory and the Amorites lay between. The mention of 'Ammôn at this stage thus appears proleptic, and coinciding as it does with a change to the Sg. address, may plausibly be maintained to be the insertion of a later writer, perhaps influenced by Judg. xi. 13. On the other hand it is just possible that the reference to 'Ammôn at this stage was held by the author of the discourse himself to be necessary, as intended to divert Israel from the due northerly direction which they had been pursuing and which, if continued, would bring them into conflict with 'Amnôn; and to turn them N.W. through the Amorites to the Jordan.

20—23. Another Archaeological Note. On *the Rephā'im*, see i. 28. *Zamzummim*, a name held by some to be formed on the analogy of the

counted a land of Rephaim: Rephaim dwelt therein afore-
21 time; but the Ammonites call them Zamzummim; a people
great, and many, and tall, as the Anakim; but the LORD
destroyed them before them; and they succeeded them, and
22 dwelt in their stead: as he did for the children of Esau,
which dwell in Seir, when he destroyed the Horites from
before them; and they succeeded them, and dwelt in their
23 stead even unto this day: and the Avvim which dwelt in
villages as far as Gaza, the Caphtorim, which came forth out
of Caphtor, destroyed them, and dwelt in their stead.)
24 Rise ye up, take your journey, and pass over the valley of
Arnon: behold, I have given into thine hand Sihon the

Gk 'Barbaroi,' as of a people whose speech sounded uncouth; Ar. *zamzamah* is a distant, confused sound. Others suggest identification with the Zuzîm of Gen. xiv. 5, of which Musil (*Moab*, I. 275, 318, etc.) is reminded by the present Zîzâ, Ptolemy's Ziza on the N.E. frontier of Mo'ab. But the Ar. *zizim* is applied to rustling sounds in the desert by night, supposed to be the noise of the Jinn (see Driver's note, with communication from W. R. Smith, and Schwally, *D. Leben nach d. Tode*, 64 f., 137 ff.). The name would thus be another of those mythological terms for pre-historic races given above on i. 28. On *the Horites*, see *v.* 12. On the *'Avvîm* or *'Avvîm* cp. Jos. xiii. 3 f.; whether the name be ethnic or indicative of a stage of culture is uncertain. They dwelt in *villages*, Heb. *ḥᵃṣerîm* (mostly in P and Levit. writers), used both in parallel to circles of tents, Gen. xxv. 16, and to collections of houses without surrounding walls, Lev. xxv. 31, and the dependencies of cities, Jos. xv. 46 etc. *Kaphtôr* is most probably Crete, see *HGHL* 135, 170 f.

24. *Rise ye up, take your journey, and pass over*] In this section the one clause in the Pl. address. Steuernagel connects it immediately with 16 f. On these formulas cp. i. 7, 19.

the valley of Arnon] No one doubts that the *Naḥal Arnôn* and the modern W. el-Môjeb are the same stream and valley. It is more than a coincidence that Arnon = *sounding*, and that some forms of the root of Môjeb, *wajaba*, mean to 'fall with a noise or rush.' The greatest of all the cañons that cut the plateau of Mo'ab, one understands how it has so often been a political frontier. A little W. of the Hajj road a valley is formed some 250 ft below the plateau by the conjunction of several wâdies, which have risen among the desert hills to the E. of the road. Under the successive names of W. Sa'ideh, Seil es-Sefei, and W. el-Môjeb, it runs with a mainly W. direction, and a rapidly increasing depth (at 'Aro'er 1800 or 2000 feet below the plateau) between almost precipitous walls to the Dead Sea, about 3500 ft below the plateau. The valley is entered from N. and S. by other cañons, of

Amorite, king of Heshbon, and his land: begin to possess it, and contend with him in battle. This day will I begin 25
to put the dread of thee and the fear of thee upon the peoples that are under the whole heaven, who shall hear the report of thee, and shall tremble, and be in anguish because of thee.

which two are almost as long as itself. About 15 miles from its mouth it receives from the S. its chief tributary, a stream which with its valley has already for some stretch above the confluence borne the name el Mójeb, but higher up is known as W. es-Sulṭâni; probably (see *v.* 13) the Zered of Israel's march. About 2 miles from its mouth enters from the N. the W. el-Wâleh, which draining all N.E. Mo'ab has cut the plateau in a S.W. direction. All these three cañons, with their tributaries, appear to be included in the (plural) valleys of Arnon, Num. xxi. 14. But *the valley of Arnon* in the present verse is probably the direct E. and W. cañon on its upper stretch, W. Sa'ideh, on which 'Ar stood (see on *v.* 9); this is certain if the identification of Ḳedemoth, stated below, *v.* 26, is correct. Musil, *Moab*, 9 ff.; the present writer in *PEFQ*, 1904, 373—377.

behold, I have given into thine hand, etc.] Sg. address resumed: so too Sam., LXX. Cp. i. 27.

Sihon the Amorite] For Sihôn, see below on *v.* 26; for Amorite, see on i. 7.

contend with him in battle] This does not agree with, or at least it should not come *before*, *vv.* 26 ff., the efforts of Moses to obtain a peaceable passage through Amorite territory; its originality is questionable if we are to assign to the discourse a reasonable measure of consistency.

25. *This day will I begin to put the dread of thee*] Nor is this verse in harmony with *v.* 29. The trembling and anguish which it predicts on all people at the mere report of Israel is the opposite effect from that produced in Sihôn, *v.* 29, by Israel's request to cross his land, for this simply provoked him to armed resistance. Is it more reasonable to suppose that the author of the discourse inconsistently penned both verses so near to each other; or that a compiler, with different documents before him and wishing to use all his materials, put them together? Here then we have an instance in which the difference in the form of address coincides with a difference of attitude to the same event. The triumphant tone of *v.* 25 is characteristic of the Sg. passages; note, too, the hyperbole *peoples under the whole heaven*.

26—37. The Victory over Sîḥôn.

From the desert N. of Arnon Moses sent to Sihôn asking leave to cross his land in peace, purchasing food and water (26—29). Sîḥôn refused, Jehovah hardening his spirit that he might be delivered into Israel's hands (30 f.). They met at Yahaṣ and Sihôn was defeated (32 f.).

26 And I sent messengers out of the wilderness of Kedemoth
unto Sihon king of Heshbon with words of peace, saying,
27 Let me pass through thy land: I will go [1]along by the high
way, I will neither turn unto the right hand nor to the left.

[1] Heb. *by the way, by the way.*

Israel took his towns, put the population to the ban, but reserved cattle and spoil for themselves (34 f.), and occupied his land from the Arnon to Gile'ad, and up to the Ammonite border on the Jabbok (36 f.).

The parallel JE, Num. xxi. 21—32 (for the analysis of which into two narratives see the Comm. in this series), contains besides an old *mashal* or ode on the subject (27—30). E agrees in substance with D and there are verbal parallels, for which see below. As elsewhere D seems here based on E, with the usual variations of style and one or two details of fact.

On the relation of this section of Moses' discourse to the preceding see introd. and notes to the latter. On the historicity of the story see the present writer's *HGHL*, 662 ff.; and *Early Poetry of Israel*, 64 ff.

26. *And I sent messengers*, etc.] E, Num. xxi. 21, *Israel sent messengers*, etc.

the wilderness of Kedemoth] So only here. A Levite city *K'demoth*, belonging to Re'uben, is given along with Yahaṣ and Mephā'ath, P. Jos. xiii. 18, xxi. 37; 1 Chron. vi. 79 [64]. The name is a plur. = *East parts*; it must have lain N. of Arnon on the edge of the desert. Musil (*Moab*, 110, 122) compares the ruins el-Meshreik, 'The Orient,' 7½ miles N. of W. Sa'ideh (*v.* 24) and looking towards the desert.

Sihon king of Heshbon] E, Num. xxi. 21: *king of the Amorites*; cp. *v.* 26. Sihôn is transliterated Siḥûn in the Ar. Pent. (ed. Lagarde) but the proper Ar. analogue is Shiḥân, a man's name, also that of the saint venerated by the 'Ajêlât tribe as the builder of the Ḳâri'at Shiḥân, extensive ruins on the conspicuous Jebel Shiḥân, S. of W. el-Môjeb. See the present writer in *PEFQ*, 1904, 371 f.; Musil, *Moab*, 376, 382 with citations from Abu-l-fida and Yaḳût, *Ethnol. Bericht* (*Ar. Petr. iii.*) 110, 218.

Heshbon] was his city. The mod. Hesbân, with ruins of the Byzantine age and a Greek inscription, near the W. edge of the Moab plateau, at the head of a glen descending to the W. Hesban, and 600 ft below the town, the copious 'Ain Hesban. A little S. of the latitude of Jericho, Heshbôn lay on the main road, almost half-way between Arnon and Jabbok, a suitable site for the Amorite capital. See *PEF Mem. E. Palestine*, 104 ff.

27. *Let me pass*, etc.] So E, Num. xxi. 22: LXX, *we will pass.*

I will go along by the highway] Heb. and Sam. here *by the way by the way*; E, *by the king's way*, the main road, like the Ar. term Sultani.

I will neither turn, etc.] E, Num. xxi. 22: *we will not turn aside into field or vineyard*, nor *drink the water of the wells.*

Thou shalt sell me food for money, that I may eat; and 28
give me water for money, that I may drink: only let me
pass through on my feet; as the children of Esau which 29
dwell in Seir, and the Moabites which dwell in Ar, did unto
me; until I shall pass over Jordan into the land which the
LORD our God giveth us. But Sihon king of Heshbon 30
would not let us pass by him: for the LORD thy God
hardened his spirit, and made his heart [1]obstinate, that he
might deliver him into thy hand, as at this day. And the 31
LORD said unto me, Behold, I have begun to deliver up
Sihon and his land before thee: begin to possess, that thou
mayest inherit his land. Then Sihon came out against us, 32
he and all his people, unto battle at Jahaz. And the LORD 33

[1] Heb. *strong*.

28. *Thou shalt sell me food*, etc.] See on *v.* 6.

29. *as the children of Esau...and the Moabites*] In JE Num. xx. 18 ff. Esau refused Israel's request made from Kadesh, but appears to have sold them bread and water when, later, Israel crossed the S. end of Mt Se'ir, ii. 6. In xxiii. 5 [4] Mo'ab is blamed for not meeting Israel with bread and water on the way—but does that mean did not *sell* them these?

30. *But Sihon...would not let us pass by him*] E, Num. xxi. 23: *S. would not allow* (another verb) Israel to cross his territory.

for the LORD thy God hardened his spirit] Sg. address; it is at least remarkable that the change coincides with a religious explanation of Sihon's resistance, for which E has here no parallel. The phrase is found elsewhere in P, Ex. vii. 3, but with *heart* for spirit.

made his heart obstinate] Heb. *strong*, usually in a good sense, in a bad only here, xv. 7 and 2 Chron. xxxvi. 13. In E, Ex. iv. 21, the same meaning with another verb.

as at this day] Another deuteronomic formula: iv. 20, 38, vi. 24, viii. 18, x. 15, xxix. 28; 1 Kgs iii. 6, viii. 24, etc. Here its appropriateness is not obvious; these formulas tend to creep in where they are not required.

31. *deliver up before thee*] See i. 8. The Sg. is retained as original by Steuern. presumably on the ground of its being addressed to Moses.

Sihon] LXX. Sam. add *king of Heshbon, the Amorite*.

32. *unto battle at Jahaz*] E, Num. xxi. 23; *went out to meet I. towards the wilderness, came to Yahaṣ and fought Israel*. See on Kedemoth, *v.* 26. The Moabite stone (18—21) implies that Yahaṣ was near Dîbôn; Jer. xlviii. 21 places it on the Mishôr or Moab plateau (see iii. 10); and 'Isai.' xv. 4 some distance S. of Heshbon. In

our God delivered him up before us; and we smote him,
34 and his [1]sons, and all his people. And we took all his cities
at that time, and [2]utterly destroyed every [3]inhabited city,
with the women and the little ones; we left none remaining:

[1] Or, *son* [2] Heb. *devoted.* [3] Heb. *city of men.*

Eusebius' day it was pointed out between Madaba[1] and Dibon (*On. Sacr.* Ιασσα). Musil (*Moab*, 107, 122) suggests Umm-el-Walîd, ruins on a strong site S.E. of Mâdabâ on the right bank of the W. el-Heri, undoubtedly a suitable place for Sîhôn to meet Israel. But there are other ruined sites equally suitable on the probable line of Israel's march and on the E. of the plateau.

33. *delivered him up before us*] See on i. 8.

his sons] So the Heb. vowels, LXX, Sam. E. Num. xxi. 24*a*: *smote him with the edge of the sword.*

34. *And we took all his cities*] E, Num. xxi. 24*a*, *possessed his land from Arnon unto Jabbok*; J, *id.* 25: *Israel took all these cities and dwelt in all the cities of the Amorites, Heshbon and her towns.* Anciently this part of the Plateau was thickly populated. From almost every elevation several groups of ruins are visible, mostly Byzantine, but how much older each site may be cannot yet be said. The land is very good for corn.

utterly destroyed every inhabited city, with the women and the little ones] **Devoted—put to the ḥerem** or **ban—every city-full of males. with**, etc. The first mention in Deut. of a custom practised also by other Semites. Mesha (Moabite Stone, 14—17) records that having taken Nebo from Israel he slew the whole population for he 'had *devoted it* to Ashtar-Chemosh'; the same verb as in Heb. To Israel as to other peoples a war was from first to last a religious process (see on xx. 1 ff.) and the *herem* was the climax of a series of solemn rites. It consisted of the devotion to the deity, by destruction, of the captives and spoil. The name is from the root *ḥrm*, 'to set apart' or 'shut off' (cp. Ar. *ḥaram* 'sacred precincts' and *ḥarîm*) and was not confined to war. By the earliest code every idolatrous Israelite was put to the herem, E, Ex. xxii. 20 [19]; cp. Deut. xiii. 6—11 of idolaters, and 12—18 [13—19] of an idolatrous city; P, Lev. xxvii. 28 f. In war the full process was the slaughter of the conquered population and their cattle, the burning of combustible spoil, and the oblation of the rest to the sanctuary. So in the story of the fall of Jericho and Achan's trespass, Jos. vi. f. (especially vi. 17—19, 21, 24, vii. 1, 11 ff.), which however contains many editorial additions. But as we see from several narratives and laws, the actual practice varied from time to time under the competing influences of religious feeling, material considerations and humane impulses. The most illustrative

[1] The various forms of this name are:—Heb. Mêdebâ; Moabite Mehêdebâ; Arab. Mâdabâ; Greek Μαίδαβα, Μεδαβα, Μηδαβα; Lat. Medaba.

only the cattle we took for a prey unto ourselves, with the 35
spoil of the cities which we had taken. From Aroer, which 36
is on the edge of the valley of Arnon, and *from* the city that

passage is 1 Sam. xv. Samuel charges Saul to *devote* all 'Amalek and their cattle; Saul spares the king and *the best of the cattle.* Either his excuse, that he reserved them for sacrifice, is an afterthought; or from the first he had been unwilling that the best cattle should be rendered by the *herem* unusable by the people in sacrificial feasts. Was the king moved by feelings of humanity? Samuel condemns his action as disobedience against Jehovah; so absolutely at that time was the *herem* conceived by the religious leaders. The deuteronomic directions, all in the Sg. address, distinguish between Israel's treatment of the seven Canaanite nations and of Israelite idolaters on the one side, and their treatment of other nations at a distance:—(*a*) vii. 2: the seven nations are to be put to the *herem* because of their idolatry and no league with them is allowed; 25 f. their idols are to be burned with the silver and gold on them, for they are *herem* and if used by Israel would make the people *herem* or *devoted to destruction.* Similarly in xiii. 15 f. every Israelite community falling to idolatry shall be devoted, and their city, cattle, and spoil burned to *Jehovah thy God.* But (*b*) xx. 10 ff. directs that distant enemies if they submit shall be spared, though they must become tributary; while if they resist only the males shall be slain, the women, children, cattle and spoil being treated as booty. And in xx. 16, 17 it is repeated that the nations of Palestine *shall be devoted.* Religious feeling, the desire that Israel shall not be infected by the idolatry from which they ran most risk of infection, is obviously the paramount motive of these laws. But it is remarkable that the only instances of the *herem* recorded in Deut., those against Sîḥôn and 'Ôg, fully agree neither with the treatment enjoined by the deuteronomic laws against the seven nations, nor with that enjoined against distant enemies, but combine features of both. The captive men, women, and children were slain, but the cattle and spoil reserved for booty, ii. 34 f., iii. 6 f. So too in Jos. (outside the story of Achan):—viii. 2, 27 spoil and cattle reserved, x. 28 ff., only the people *devoted*; xi. 9 horses houghed, chariots burned; 11—15, people devoted, cattle and spoil reserved. Except xi. 9 these passages appear to be editorial.—In connection with this subject note that Amos (i. 6, 9) condemns as inhuman the selling into captivity of a whole population, just as to-day it is contrary to the Arab conscience to extinguish a ḳabîla or tribe in war (Doughty, *Ar. Des.* i. 335). Yet, just as by Samuel in the case of Saul, and in Deut., this natural conscience has often been overborne by the rigorous religious demands of Islam. The parallel is instructive; cp. xx. 10—18. See on the use of the term in a criminal case, Ex. xxii. 20, with Driver's note.

35. See previous note.

36. *From Aroer, which is on the edge of the valley of Arnon*] *The*

is in the valley, even unto Gilead, there was not a city too high for us: the LORD our God delivered up all before us:
37 only to the land of the children of Ammon thou camest not

Nahal 'Arnon = Wâdy Môjeb, see above *v.* 24. *Edge*, Heb. *lip*. *'Aró'er* is frequently given in the O.T. as a S. limit:—e.g. of the territory taken by Israel from Sîhôn (here, and iii. 12, iv. 48, Jos. xii. 2, xiii. 9, 16); of the kingdom of Israel (2 Sam. xxiv. 5 emended after LXX; 2 Kgs x. 33). 'I built,' says Mesha (Moabite Stone, 27), ''Aró'er and made the high-way by the 'Arnon.' Jer. xlviii. 19 connects 'Arô'er with a high-road. Eusebius describes it as above 'Arnon, 'on the eyebrow of the hill.' To-day the Khirbet 'Arâ'er, ruins of a walled town on the N. edge of the W. Môjeb, here nearly 2000 feet deep, with an ancient zig-zag road down the precipitous slopes to the bed of the Wâdy (Tristram, *Moab*, 125 ff.; Musil, *Moab*, 331, with plan and views). It lies nearly 2 miles E. of the Roman road, the present high road across 'Arnon, and must not be confounded with the ruins called 'Akraba close to the latter (cp. Brünnow, *Provincia Arabia*, I. 31; and the present writer, *PEFQ*, 1905, 41): an error into which several travellers have fallen.

the city that is in the valley] *The valley* or nahal is, of course, the 'Arnon or Wâdy Môjeb, the S. frontier of Sîhôn's kingdom. The site of the unnamed city is uncertain. Its frequent association with 'Aró'er as on a S. frontier (e.g. here, Jos. xiii. 9, 16, 2 Sam. xxiv. 5) may imply that it lay close under 'Aró'er on the stream; where to-day ruins stand with the name Khreibet 'Ajam'[1]; in which case *the city* has been added to 'Aró'er in order to define the exact border as the stream, and its namelessness is explicable by its having been a mere suburb or the toll-town of 'Arô'er. Or else, since 'Aró'er lay towards the W. end of the S. frontier of Sîhôn's kingdom formed by the 'Arnon, the *city in the valley* lay further up the 'Arnon and so defined the E. extremity of the S. border. Musil suggests Medeyyneh on the upper stretch of 'Arnon, now the W. Sa'ideh or Sa'ideh (*Moab*, 328 ff.). It lies on a projection of the plateau into the Wâdy, and might well be described as *the city in*, or *in the midst of, the nahal*. This is the same site as Musil proposes for *'Ar or 'Ir of Mo'ab*, also given as a limit (see on ii. 18); the identification of which had already been made on Biblical data alone (Dillm. *in loco*).

even unto Gilead] E, Num. xxi. 24, defines more exactly unto the Jabbok, the next great natural frontier N. of Arnon. Gile'ad lay on both sides of Jabbok, which divided it into halves.

too high for us] The Heb. phrase is found in prose only here, and elsewhere in the O.T. only in Job v. 11. Further see i. 28.

before us] Sam. LXX: *into our hands*.

37. Change to the Sg. address. This, with the fact that the clause

[1] There are other ruins a little further E. up the stream at its confluence with that from the S. and these Grove (Smith's *D. B.* 1st ed.) takes as the city in question.

near; all the side of the river Jabbok, and the cities of the hill country, and wheresoever the LORD our God forbad us.

is a mere qualification not necessary to the context, has led some to take it for a later addition.

all the side of the river Jabbok, and the cities of the hill country] This defines the land of 'Ammôn, which lay at that time on the upper stretch of Jabbok, where the stream runs from S.W. to N.E. before turning in its main course W. to Jordan; cp. JE, Num. xxi. 24. The country there is hilly in contrast with the Mo'ab plateau.

and wheresoever] So Sam.; LXX *according to all that.*

forbad us] Rather *commanded us*: suitable to the preceding reading of the LXX. *Us* is wanting in Heb. but is given by Sam. and LXX.

CH. III. 1—7. DEFEAT OF 'ÔG, KING OF BASHAN.

Israel advancing N. towards Bashan encountered 'Ôg at Edre'î (1). Jehovah delivered him into their hands (2 f.); they took all his cities, 60 in Argob, his kingdom within Bashan, fenced cities, with also many unwalled towns (4 f.); and devoted them to Jehovah, reserving the cattle and spoil for themselves (6 f.).

Parallel are Num. xxi. 33—35, attached to the JE narrative. Of these 33 f. agree verbally (except that the 3rd sing. is used for the 1st plur.) with *vv.* 1 f. of this section, while *v.* 35 summarises *vv.* 3—7. But while, as we have seen, D is usually based on JE (more particularly on E), the prevalence of deuteronomic phrases not used in JE supports the opinion (from Dillm. onwards) that Num. xxi. 33–35 is an editorial addition to JE, borrowed from D. The campaign against 'Og is found elsewhere in Hex. only in Deut. i. 4, iv. 47, xxix. 7, the deuteronomic Jos. xii. 4, and Num. xxxii. 33; Jos. ix. 10, xiii. 30 f., all of late date. Thus the campaign against 'Ôg has not the same documentary evidence as that against Sîḥôn, and is questioned by many who accept the latter. Proof one way or the other is impossible. On the one hand 'Og is associated with the mythical Repha'îm; a campaign in Bashan carries Israel away from their objective, the crossing of Jordan; and nothing is said of the conquest of the intervening Gile'ad at this time; though the phrase in ii. 36, *unto Gile'ad*, may be intended to cover all Gile'ad to the Yarmûk, this is not probable; and there are indications that Israel's conquest of Gile'ad took place from W. Palestine at a later date (see on *v.* 14). On the other hand, 'Ôg's defeat is bound up in Heb. tradition with that of Sîḥôn; it is hard to see how or why it can have been invented by the deuteronomists ('the tradition of the defeat of 'Ôg at Edre'i is probably predeuteronomic': Cheyne, *E.B.*). It is possible to argue that 'Ôg's kingdom included Gile'ad N. of the Jabbok; there are no geographical or historical obstacles to a campaign by Israel in Bashan, but on the

3 Then we turned, and went up the way to Bashan: and
Og the king of Bashan came out against us, he and all his
2 people, unto battle at Edrei. And the LORD said unto me,
Fear him not: for I have delivered him, and all his people,
and his land, into thy hand; and thou shalt do unto him as
thou didst unto Sihon king of the Amorites, which dwelt at
3 Heshbon. So the LORD our God delivered into our hand
Og also, the king of Bashan, and all his people: and we

contrary it is as credible that Israel should have aimed at the conquest of all E. Palestine before crossing the Jordan as it is certain that Pompey so aimed, and that the first Moslem invaders so succeeded.

1. *turned, and went up*] See on i. 7.

Bashan] Heb. *the Bashan*, so in all historical statements and sometimes in poetry in which however the article is oftener omitted (*HGHL*, 549 *n.* 7). In its wider sense the name covered all the land from the Yarmûk to Hermon, iv. 43, xxxiii. 22. But its proper application was confined to the land immediately N. of the Yarmûk and E. of Geshur and Ma'akah, the present Jaulan (see below *v.* 14, iv. 43): the S. end of Hauran, including 'Ashtaroth (perhaps Tell el 'Ashari) on the W., Edre'i on the S. and Salkah on the S.E. (i. 4, iii. 10, Jos. ix. 10, xii. 4, xiii. 11 f., 31), the district known in Greek times as Batanea, and in the 10th century still called 'Ard-el-Bathaniyeh, containing Edre'i (Idrisi); but to-day the name has drifted N.E. to the E. of the Lejâ. Ar. *Bathnah* means level, loamy land (Freytag) and suits the region. See *HGHL*, 549, 553, 570 f.

Og] The name 'Og, LXX Ὤγ and Ὠγ, does not occur except as that of the king of Bashan; the root meaning 'curved' or 'round' supplies some Ar. geographical names. W. R. Smith (*Rel. of the Sem.* 83) arguing that in Heb. a king's name is usually joined with that of his people or of his capital (e.g. Sîḥôn, *king of the Amorites*, or of Heshbon) and that 'Og's is the only exception, takes 'Ôg 'who is a mythical figure' as presumably 'an old god of the region.'

Edrei] *Edre'i* on the S. frontier of Bashan (*v.* 10), the Otara'a of Egyptian inscriptions, Adra of Ptolemy, Adraa of Euseb., now Edhra'at, Dera'at or on Bedawee lips 'Azra'at, a strong site on the S. edge of the gorge that forms the S. limit of Ḥauran, and further entrenched by a tributary ravine. In the rock beneath the walled city, a labyrinth of streets with houses and shops was excavated. That this marvel is not mentioned in the O.T. proves it of later date, and indeed its architecture and inscriptions point to the Greek period: *HGḤL*, 576, *ZDPV*, xx. 118 ff. On the only possible remains in Bashan of 'Og's time see Driver, *Deut.*, *in loco*.

2. *delivered...into thy hand*] See i. 27. *As thou didst unto Sîḥon*, ii. 33 f.

smote him until none was left to him remaining. And we 4
took all his cities at that time; there was not a city which
we took not from them; threescore cities, all the region of
Argob, the kingdom of Og in Bashan. All these were cities 5
fenced with high walls, gates, and bars; beside the [1]unwalled
towns a great many. And we [2]utterly destroyed them, as 6
we did unto Sihon king of Heshbon, utterly destroying
every [3]inhabited city, with the women and the little ones.
But all the cattle, and the spoil of the cities, we took for a 7
prey unto ourselves. And we took the land at that time 8

[1] Or, *country towns* [2] Heb. *devoted.* [3] Heb. *city of men.*

3. *none...remaining*] ii. 34.

4. *all the region of Argob*] So 13 f.; 1 Kgs iv. 13 and nowhere else. The Heb. for *region* means a definitely measured or outlined piece of land, and 'Argob seems connected with *regeb*, *clod*, and analogous to our 'glebe.' The Targums take it as Trachonitis or the Trachon of the Greek period, now the Lejá, the mass of lava, 24 miles by 10 to 20, which lies on Hauran like an ebony glacier with irregular crevasses. Sharply marked off by its abrupt edge from the surrounding plain it holds considerable means of subsistence, with the ruins of many villages and towns, and might well have been, at this as at other periods, the centre or distinctive feature of a province or kingdom. The identification with 'Argob, accepted by many, is thus not unnatural; nor if we take 'Argob as meaning 'clumpy' is this an unsuitable name for the cleft masses of lava, like frozen mud, of which it is composed. But other parts of Hauran are also distinct from the rest, e.g. the fertile en-Nukra or 'Hollow Hearth' of the Arabs; or the almost as fertile W. slope of the Jebel Hauran. Both of these bear ruins of ancient towns, while some may be of immemorial antiquity. Nothing however has been discovered either there or throughout Bashan which is recognisable as older than the Greek period.—Euseb. and Jer. give Ragaba as a village near Geresa, in Gile'ad, cp. Jos. XIII. *Ant.* xv. 5; and to-day Rajeb or Rujeb is the name of a Wâdy and village also in Gile'ad. This is noteworthy in view of the fact that one O.T. tradition appears to connect Argob with Gile'ad; see below.

5. *the unwalled towns*] Heb. *towns of the P'razi*, or *country-folk*; *perazôth*, Ezek. xxxviii. 11, are open, rural places in contrast to fenced cities.

6. *and we utterly destroyed them*, etc.] See ii. 34 f.

8—17. Allotment of the Conquered Lands.

Thus Israel had taken the two Amorite kingdoms, from the 'Arnon to Hermon (8)—on which a note is given (9) that is, from S. to N.,

out of the hand of the two kings of the Amorites that were
beyond Jordan, from the valley of Arnon unto mount
9 Hermon; (*which* Hermon the Zidonians call Sirion, and

the towns of the Mo'ab Plateau, all Gile'ad and Bashan (10): then a note on 'Og (11). N. from 'Arô'er to half Mt Gile'ad Moses gave to Re'uben and Gad, the rest of Gile'ad and Bashan to the half-tribe of Manasseh (12–13*a*). Follows a third note 13*b*–14 with additions from a later hand 15–17 unless 16 be regarded as original to the discourse.—The parallels are cited in the notes.

8. *the two kings of the Amorites*] ii. 26—iii. 7. 'Ôg's people have not previously been called Amorites: cp. iv. 47, xxxi. 4, and the editorial Jos. ii. 10, ix. 10, xxiv. 8, 12*b*. *Amorite* apparently in the same general sense as in E. e.g. Jos. v. 1, x. 5. 'Og himself was of the pre-Amorite Repha'im, *v.* 11.

beyond Jordan] As in i. 5 the writer betrays his standpoint in W. Palestine. On the other hand the standpoint of Moses E. of Jordan is properly observed in *vv.* 20, 25. Dillm. therefore takes *v.* 8 as a later insertion. But must we assume a rigorous consistency in the writer of the discourse?

valley of Arnon] ii. 24.

unto mount Hermon] This carries Israel's conquest further N. than previously described; another sign of a later hand? *Hermôn*, from the root *ḥrm*, *sacred* (see on ii. 34): either from a sanctuary on the mount or because the whole mount was held sacred: cp. Judg. iii. 3, *Mt Ba'al Hermôn*. The name covered the long S. end of Anti-Lebanon, above the sources of Jordan, and occurs also in the plur. *Hermônîm*, Ps. xlii. 6, probably because of its triple summit. From its height of 9200 ft H. dominates all Hauran or Bashan, is visible as far S. as the heights above Jericho, and forms the natural N. boundary of all E. Palestine. One of its modern names, Jebel esh-Sheikh, means, not 'old-man mountain,' from its snowy hoary appearance, but 'Mount of the Elder' or 'Holy Man,' some famous saint; according to Conder (Hastings' *D. B.* II. 352) the Sheikh ed-Derâzi, the founder of the Druzes. Another name is Jebel, or Towîl, eth-Thalj, 'Mount,' or 'Height of Snow.'

9. ARCHAEOLOGICAL NOTE. As a natural boundary, separating several nations, Hermôn has a name in the language of each. The Phoenicians, Heb. Sidonians, on the W. called it *Sirîôn* (cp. Ps. xxix. 6), the Amorites *Senîr*, its name in an inscription of Salmanassar II, Sanîru, when he crossed from the coast towards Damascus (Winckler, *KAT*(3), 44, 190). These names may have been applied to different parts of the long Mt; in 1 Chr. v. 23, Senîr is joined with, but apparently distinct from, Hermôn, cp. Ezek. xxvii. 5, Cant. iv. 8; and Arab. geographers gave the name Jebel Sanîr to the part between Ba'albek and Homs.

the Amorites call it Senir ;) all the cities of the [1]plain, and 10
all Gilead, and all Bashan, unto Salecah and Edrei, cities
of the kingdom of Og in Bashan. (For only Og king of 11
Bashan remained of the remnant of the Rephaim ; behold,
his bedstead was a bedstead of iron ; is it not in Rabbah of
the children of Ammon? nine cubits was the length thereof,
and four cubits the breadth of it, after the cubit of a

[1] Or, *table land*

10. *all the cities of*, etc.] This follows immediately on *v.* 8, showing that 9 is an inserted gloss, and details the land summarised in 8, from S. to N.

the plain] Rather, **Plateau** (Heb. *ham-Mishôr*), i.e. of Mo'ab; E, Num. xxi. 20: *field of M.*

all Gilead] From the N. end of the Plateau (exact frontier uncertain) up to the Yarmûk ; divided into halves by the Jabbok.

all Bashan] All N. of the Yarmûk ; see on *v.* 1.

unto Salecah and Edrei] *Sal'kah* (with soft k) is the Arab. Salkhad, the Sarkhad of the Arab. geographers, the present Salkhad (Merrill, *E. of Jordan*, 50 ff. ; Burckhardt, 100 f.), some 40 miles E.S.E. of Edre'i on the S.W. slope of the Jebel Hauran or ed-Drûz. Cp. Jos. xii. 5, xiii. 11. It would represent, therefore, the S.E. limit of 'Og's kingdom, while Edre'i lay near the W. end of the same frontier. Why have two sites on the S. of Bashan been selected to define a conquest already described as extending N. to Hermôn? We should expect : *from Edre'i even to Sal'kah*, or to some site further N. The text is confirmed, however, by Sam and LXX. Some therefore take Edre'i here, not as the mod. Dera'at (*v.* 1) but as Edhra' or Zor'a near the S.W. corner of the Lejá. This, however, helps little.

11. ARCHAEOLOGICAL NOTE. *'Óg* was the last survivor of the Repha'im (see on i. 28). *Bedstead*, rather **sarcophagus**, for though the Heb. *'eres* elsewhere means *couch*, its synonyms *mitah* (2 Sam. iii. 31) and *mishkab* ('Is.' lvii. 2 ; Ezek. xxxii. 25) are used for *bier* and *tomb* (the latter too in Phoen.), and the monumental character of this *'eres* proves it to have been the same. *Iron*, rather **basalt** ; I have often heard basalt called iron in Hauran. *The cubit of a man* : the ordinary cubit, originally the length of the lower arm ; later there was also a longer cubit (Ezek. xl. 5, xliii. 13). Taking it as about 18 in., 'Og's coffin was 13½ ft by 6. Some sites in E. Palestine are strewn with stone-coffins, e.g. Umm Keis, usually 7 to 8 ft by 2½ to 4. That of Eshmunazar, the Sidonian, is 7 by 4 ; 'Hiram's Tomb' is 12 by 6. Cp. Doughty, *Ar. Des.* I. 18, on marble sarcophagi near Es-Salt, 'little less than the bed of Og,' and Cl. Ganneau, *Arch. Res.* II. 233.

12 man.) And this land we took in possession at that time:
from Aroer, which is by the valley of Arnon, and half the
hill country of Gilead, and the cities thereof, gave I unto
13 the Reubenites and to the Gadites: and the rest of Gilead,
and all Bashan, the kingdom of Og, gave I unto the half

12. *And this land we took*] The discourse resumed from *v.* 10: a more exact definition of the same lands.

from Aroer...by the valley of Arnon] 13 MSS and some Versions read *on the lip of A.*, as in ii. 36.

half...Gilead] As far as the Jabbok; to R'uben and Gad. P, Num. xxxii. 1 ff.: *land of Ya'zer and Gil'ad.*

13. *the rest of Gilead*] From the Jabbok to the Yarmûk. This, with *all Bashan, the kingdom of 'Òg*, fell to the half-tribe of Manasseh, and is further defined as *all the region of Argob* (see *v.* 4) R.V. following the Heb. punctuation adds *even all Bashan*, but as Rev. Marg. suggests, this phrase is part of the next note: *all that Bashan is called a land of Repha'im.* In Num. xxxii. 1—32, 34—38 (a section with obvious marks of P but containing earlier elements) only R'uben and Gad are assigned land E. of Jordan. Moses' allotment there to the half-tribe of Manasseh is recorded in deuteronomic passages, as here and Num. xxxiii. 33 (editorial); while Deborah's song, Judg. v. 14, takes Machir as a W. clan, but J, Num. xxxiii. 39, 41, assigns the conquest of Gile'ad to Machir, son of Manasseh, and the capture of its towns to Ya'îr, son of Manasseh; *v.* 40, adding that Moses gave Gile'ad to Manasseh, is regarded as a later insertion both because of the statement just cited from Deborah and because Judg. x. assigns the Hawwôth-Ya'îr to Ya'îr, a Gileadite in the days of the Judges. There thus appear to have been two traditions of the occupation of Gile'ad by part of Manasseh, one as early as J (Num. xxxiii. 39, 41) followed by D, which dates it under Moses; and one, which records the conquering clan as settled first in W. Palestine, and thence invading Gile'ad under the Judges. This second tradition is preferred by many, e.g. Wellh. *Gesch.*[2] 33, and Budde, who points out that the Bnê Yoseph could not have complained to Joshua, Jos. xvii. 14—18, that they had only one lot if, besides this western territory which he gave them, part of them had already received from Moses land E. of Jordan. He proposes to insert *Gile'ad* in Jos. xvii. 18, so as to make it the new lot granted by Joshua. But in that case some allusion to the crossing of Jordan would have been natural, nor would the occupation of Gile'ad have helped the Joseph tribe against the Canaanites of W. Palestine. Moreover, Gile'ad is said to have been the father of Abi'ezer and Shechem (JE, Jos. xvii. 2; P, Num. xxvi. 29 ff.) and therefore older in Manasseh's line than these W. septs of the tribe. So there is something to be said for the occupation of Gile'ad by Manasseh under Moses. But the whole matter is obscure. See further Hastings, *D. B.* III. 230 f., *HGHL*, 577. Cp. the next notes.

tribe of Manasseh; [1]all the region of Argob, [2]even all
Bashan. (The same is called the land of Rephaim. Jair 14
the son of Manasseh took all the region of Argob, unto the
border of the Geshurites and the Maacathites; and called
them, even Bashan, after his own name, Havvoth-jair, unto
this day.) And I gave Gilead unto Machir. And unto the 15
Reubenites and unto the Gadites I gave from Gilead even 16

[1] Or, *all the region of Argob* (*All that Bashan is called &c.*
[2] Or, *with*

14. ARCHAEOLOGICAL NOTE. It begins with the last clause of *v.* 13; see above. This reference of the conquest of Argob to Ya'ir contrasts with *vv.* 4—6, which assign it to Israel under Moses, and differs from Num. xxxii. 41, which places the Ḥawwōth-Ya'ir in Gilead; cp. 1 Kgs iv. 13, and 1 Chron. ii. 22, and as we have seen, on *v.* 13, Ya'ir is assigned by Judg. x. 3 ff. to the time of the Judges. The phrase *unto this day* also implies a date for this note later than that of Moses, which is assumed through the rest of the discourse. The opinion, therefore, is reasonable, that the note is a harmonising insertion altered from Num. xxxii. 41. Note the awkward construction. The word *them* in *called them Ḥawwōth Ya'ir*, confirmed by Sam. and LXX., has no proper antecedent (it cannot of course be explained by the preceding *border*), while in Num. xxxii. 41 it correctly refers to the preceding *tent-villages*. Note, too, the awkwardness of *all Bashan* as it stands. Moreover, the characteristic of Argob was not *tent-villages* but *fenced cities* (*v.* 4).—The *Gᵉshuri* and *Maᶜᵒkathi* are placed by Jos. xii. 5, xiii. 11 between Gilᵉad and Ḥermon to the W. of Bashan; that is the mod. Jaulan (Gaulanitis), but the Maᶜᵃkathi spread across Jordan N.W. to Abel-beth-Maᶜᵃkah in Naphtali, 2 Sam. xx. 14 f., etc. These two were Aramean (Gen. xxii. 24; 2 Sam. xv. 8; 1 Chron. xix. 6); Israel failed to expel them (Jos. xiii. 3); David fought the king of Maᶜᵃkah (2 Sam. x. 6, where the LXX Ἀμαλήκ is probably an error; the Gᵉshur of 2 Sam. iii. 3, xiii. 37 f. may be another tribe of that name S. of Judah, Jos. xiii. 2; 1 Sam. xxvii. 8); 1 Chron. ii. 33, where Gᵉshur is said to have taken the Ḥ. Ja'ir, and xix. 6, are corrupt. *Ḥawwoth*, cp. Ar. *ḥiwaᶜat* "a collection of tents."

15. *And I gave Gilead unto Machir*] Not irreconcilable with *v.* 12 where the N. half of Gilᵉad is assigned to half-Manasseh, for Machir was held to have been the first and only son of Manasseh, and, apparently, is even taken for all Manasseh (Judg. v. 14; Num. xxvi. 29?). Yet there is force in Dillm.'s contention that the author who had just written 12 f. could hardly have immediately added the variant *v.* 15; hence the latter is reasonably taken as, like *v.* 14, a later insertion derived from Num. xxxii. 40.

16. *And unto the Reubenites*, etc.] Since this verse repeats what is already stated, it also is regarded as secondary. 'The language of

unto the valley of Arnon, the middle of the valley, [1]and the
border *thereof*; even unto the river Jabbok, which is the
17 border of the children of Ammon; the Arabah also, and
Jordan [1]and the border *thereof*, from Chinnereth even unto
the sea of the Arabah, the Salt Sea, under the [2]slopes of
Pisgah eastward.

[1] Or, *for a border* [2] Or, *springs*

16, however, is harmonious with that of ii. 36, and it is possible that this sequence represents the older form of the narrative, before the incorporation of the account of Og, for there seems no reason why an editorial expounder should thus imperfectly reproduce statements already made.' (*Oxf. Hex.*, II. 252.)

the middle of the valley **for a** *border*] That is, the exact border was not the edge, but the stream-bed of the wâdy.

17. *the Arabah also, and Jordan* **for a** *border*] The territory included the E. strip of the 'Arabah—hence *eastwards* at the end of the verse—with the Jordan as its W. limit, and this between *Chinnereth* on the N. and *the Sea of the 'Arabah* on the S. On the 'Arabah see i. 1. *Kinnéreth* was a town (Jos. xi. 2, xix. 35; the plur. Kinn'roth a district, 1 Kgs xv. 20) either giving its name to, or taking its name from, the Sea of Kinnéreth (Num. xxxiv. 11, P): probably the latter, if K. be from *kinnôr*, *harp*, as this suits the shape of the Lake; in later times called the L. of Gennesaret, a name frequently but not plausibly derived from Kinnereth (*HGHL*. 443). *The Sea of the 'Arabah* (so iv. 49; 2 Kgs xiv. 25), *the Salt Sea* (so Gen. xiv. 3; Num. xxxiv. 3, 12; Jos. xv. 2, 5, xviii. 19); both names as here in Jos. iii. 16, xii. 23; called also *front* or *E. Sea* (Ezek. xlvii. 18; Joel ii. 20; Zech. xiv. 8) in contrast to the Mediterranean the *back* or *W. Sea*, xi. 24. The Greeks gave the name Asphaltitis. 'The Dead Sea' first occurs under Augustus. Ar. Bahr Lût, 'Lot's Sea.'

the slopes of Pisgah] So iv. 49; Jos. xii. 3, xiii. 20. The Heb. *'ashdôth* is *slopes* rather than *springs* (A.V.) as appears from the masc. form of the word, Num. xxi. 15 (*the eshed of the wâdies, which stretches to 'Ar's site and leans on the border of Moab*); *slopes*, too, is most suitable in Jos. x. 40, xii. 8, and with the use of the prepos. *under* in this verse. *The Pisgah* (always so) is the name attached by E (Num. xxi. 20, xxiii. 14) and by deuteronomic writers to 'the western edge' (G. B. Gray), or the headlands, of the Moabite Plateau at the N.E. corner of the Dead Sea. *The headland of the Pisgah*, which Moses ascended, *v.* 27, is in xxxii. 49 (P) *Mt Nebo* (cp. their identification in xxxiv. 1), that headland S. of the W. 'Uyûn Musa which bears the names en-Neba' and Râs en-Neba', just opposite the N. end of the sea (*HGHL*. 562 ff.). One of its lower steps, called Wat en-Na'am, is identified by Musil (*Moab*, 272. 274) with *the slopes of the Pisgah*. The deep W. es-Seyâle which cleaves this he takes as Abel Shittim

And I commanded you at that time, saying, The LORD 18
your God hath given you this land to possess it: ye shall
pass over armed before your brethren the children of Israel,
all the men of valour. But your wives, and your little ones, 19

(Num. xxxiii. 49); but the latter is probably part of the Jordan valley. See further on Beth-Pe'or, *v.* 29. The name Pisgah has disappeared, unless we are to recognise it in the almost equivalent Râs Feshkhah, a headland on the opposite coast of the sea.

18—22. DIRECTIONS TO THE TWO-AND-A-HALF TRIBES AND TO JOSHUA.

At that time Moses charged the two-and-a-half tribes to send their warriors over Jordan till the conquest there was completed, leaving their families and cattle in the cities already given them (18—20). At that time, too, he charged Joshua (21 f.).—To the charge to the two-and-a-half tribes the parallel is Num. xxxii. 16—32, which says that Reuben and Gad (these alone) offered to send their warriors to the W. campaign after building or fortifying cities for their children, and folds for their cattle E. of Jordan; and that Moses enforced this plan with threats of disaster if it was not carried out. Of this composite passage various analyses have been made; all that is clear is that JE narrated some such episode.—To the charge to Joshua, *at that time*, the Pent. has no parallel. On the ground that it anticipates 28 f. and xxxi. 7 ff. it is removed by some after *v.* 28, where indeed it is suitable, but by others has been taken to be no original part of the First Discourse by Moses. Yet the Discourse is not so compact and free of repetition that we need deny to its author such an anticipation of his own words; nor would it be surprising that in the traditions with which he worked there were recorded more than one charge to Joshua or at least several emphases of the fact that Joshua was exhorted by Moses; cp. i. 38. On the mixed forms of address, *thou* and *you*, see notes below.

18. *And I commanded you*] *Them* would be more natural, which some read; retain *you*, a symptom of the want of absolute preciseness in the writer's style.

armed] It is doubtful whether that is the original meaning of the Heb. word or *with loins girt*, or *stripped* of superfluous clothing, *expeditus*; the same word in Num. xxxii. 21 ff. (JE?): P also uses it but with a following noun *id.* 27, 29 and Josh. iv. 13.

children of Israel] Not deuteronomic. See on iv. 44.

all the men of valour] Heb. *sons of strength* or *valour*. Like our *force* the Heb. *hail* is also used for *army*, but with the article (e.g. 2 Sam. xxiv. 2), which does not occur in this phrase. The meaning is *all capable of bearing arms*,

and your cattle, (I know that ye have much cattle,) shall
20 abide in your cities which I have given you; until the LORD
give rest unto your brethren, as unto you, and they also
possess the land which the LORD your God giveth them
beyond Jordan: then shall ye return every man unto his
21 possession, which I have given you. And I commanded
Joshua at that time, saying, Thine eyes have seen all that
the LORD your God hath done unto these two kings: so
shall the LORD do unto all the kingdoms whither thou goest
22 over. Ye shall not fear them: for the LORD your God, he
it is that fighteth for you.

19. *much cattle*] Cp. Num. xxxii. 1. In the O.T. Mo'ab, Gile'ad and Bashan, the seats of the two and a half tribes, are celebrated for their cattle, imported thence to W. Palestine, which has inferior pastures. See the writer's *Jerusalem*, I. 307, 321 ff. and *HGHL*. 523 f.

which I have given you] *v.* 12 f.; so Num. xxxii. 29, 33, 40.

20. *until the* LORD *give rest*] So xii. 10, xxv. 19, the deuteronomic Josh. i. 13, 15, xxi. 44, xxii. 4, xxiii. 1, and not elsewhere in the Hex. in this sense, though the verb occurs in other meanings.

beyond Jordan] The standpoint of the speaker correctly observed as in *v.* 25.

unto his possession] See ii. 5.

21. *Thine eyes have seen*] Rather, **Thine own eyes are they that saw**. The appeal to personal experience is characteristic of Deuteronomy: cp. iv. 3, xi. 7. LXX reads *your eyes*; but *thine* is confirmed by Sam.

your God] LXX B *our God*. Omit with Sam. The formula has been added by a copyist.

22. *Ye shall not fear them*] We may either take this Pl. as intended to comprise all the people with Joshua; or read, with Sam., some codd. of the LXX, and the Syriac, *thou shalt not fear them*. Which was the original it is impossible to say. All the versions have the Pl. in the last clause (LXX, B *our God*), but to take it as therefore a late addition borrowed from i. 30 (Steuern.) is somewhat pedantic; the change from Sg. to Pl. is here very natural.

23—29. MOSES' PRAYER AND ITS REJECTION.

At that time Moses besought God to finish what He had begun and show him all His greatness (23 f.), by letting him cross Jordan and view the whole land (25). Wroth with him on Israel's account God refused (26) and bade him ascend the Pisgah and thence view the land (27); also he must charge Joshua as his successor in leading Israel to their

And I besought the LORD at that time, saying, O Lord 23
GOD, thou hast begun to shew thy servant thy greatness, 24
and thy strong hand: for what god is there in heaven or in earth, that can do according to thy works, and according to thy mighty acts? Let me go over, I pray thee, and see the 25
good land that is beyond Jordan, that goodly mountain, and Lebanon. But the LORD was wroth with me for your sakes, 26
and hearkened not unto me: and the LORD said unto me, Let it suffice thee; speak no more unto me of this matter. Get thee up into the top of Pisgah, and lift up thine eyes 27

heritage (28). They abode in the ravine opposite Beth-Pe'or (29).—To this prayer there is no parallel in JE; for the JE account of the ascent of the Pisgah see xxxiv. 1*b* ff. Nor does P record the prayer; it ascribes the exclusion of Moses to his own sin at Kadesh, and differently names the Mt he ascended; with 27 f. cp. xxxii. 48—52, Num. xx. 12, xxvii. 12—21. See further the notes immediately after this, that on i. 37, and those on xxxii. 48 ff.

23. *And I besought the* LORD] In the Pent. the Heb. verb is used with the Deity only here; but *to beseech* man in E, Gen. xlii. 21.

24. *O Lord* GOD] Heb. **my Lord Jehovah.**

thou hast begun] But not fulfilled in my sight! A pathetic emphasis. Moses prayed to see with his own eyes the completion of the great Providence carried so far at his hands. This temper is characteristic of all Deuteronomy: the passion to experience the full-rounded Providence of God in this life, absolutely no hope of another! As time went on a nobler trust was born. The servant of Jehovah *cut off from the land of the living*, yet *sees of the travail of his soul and is satisfied* ('Is.' liii. 11); and Jesus *becoming obedient even unto death* (Phil. ii. 8), *for the joy set before him endured the cross, despising the shame* (Heb. xii. 2). *Let this cup pass from me ...nevertheless...thy will be done.*

thy greatness] v. 24, ix. 26, xi. 2; *and thy strong hand*, see iv. 34.

what god is there, etc.] Ex. xv. 11.

25. *the good land*] i. 35.

that goodly mountain] To this day in Syria a whole range is called in the sing. *mountain*; and in fact from Nebo and the Ghôr below it all W. Palestine appears one compact mountain-mass.

and Lebanon] In clear weather Hermon, the summit of what is now particularised as Anti-Lebanon, is distinct from above Jericho and the opposite hills, as one looks up the Ghôr.

26. *But the* LORD *was wroth with me*] Heb. *hith'abber* (lit. *to exceed bounds*) *was enraged*, a stronger term than that in i. 37, the note on which see for the whole of this verse.

27. *the top of Pisgah*] Rather, **the headland of the Pisgah.** See on *v.* 17, and cp. xxxii. 48 ff., xxxiv. 1, and small print on xii. 2.

westward, and northward, and southward, and eastward, and
behold with thine eyes: for thou shalt not go over this
28 Jordan. But charge Joshua, and encourage him, and
strengthen him: for he shall go over before this people,
and he shall cause them to inherit the land which thou
29 shalt see. So we abode in the valley over against Beth-
peor.

28. *But charge Joshua*] See notes introd. to this and the previous section. In P (Num. xxvii. 15—21) the charge to Joshua precedes the arrangement with the two and a half tribes (Num. xxxii.), while in D it follows. No stress can be laid on this difference as D's term *at that time* is vague. But see Dri. *in loco*. Cp. also xxxi. 1—8.

29. *the valley over against Beth peor*] Heb. *the gai = hollow, glen, ravine*, inapplicable to the Jordan plain; rather one of the glens descending to this from the Moab-plateau. That suits the probable meaning of Pe'or, gap or cleft (Ar. *fughrah*, 'a river-mouth'; cp. the 'other Phogor' of Euseb. and Jer. near Bethlehem, the modern Kh. Fâghûr, PEF Map Sh. xvii.). *Beth-Pe'or* abbrev. from Beth-Ba'al-Pe'or, *shrine of the B. of P.* (cp. iv. 3). This *gai* of Israel's encampment, where also Moses was buried (xxxiv. 6), unnamed, but defined as *over against Beth-pe'or* (so too iv. 46), is also nameless in E, Num. xxi. 20, defined as *in the region of Moab*, and these words are added, *headland of the Pisgah that looks upon the Y'shimon*; and Num. xxiii. 28 gives *a headland of Pe'or that looks out upon the Y'shimon*; while Beth-Pe'or is placed by P, Josh. xiii. 20, with the slopes of the Pisgah and Beth-Y'shimôth. Again Euseb. and Jer. describe Beth-phogor as near Mt Phogor opposite Jericho 6 Roman miles above Livias, the mod. Tell er-Rameh, on the Jordan plain. These data suit the identification of *the gai* with the W. 'Uyûn Musa, on the N. of the Nebo or Pisgah headland (see on *v.* 17). So Dillm., G. A. Smith (*HGHL*, 564) and G. B. Gray (Num. xxi. 20). Further, Musil (*Moab*, 344 f., 348) suggests for the *headland of Pe'or* the headland to the N. of W. 'Uyûn Musa, and for Beth-Pe'or the ruins and shrine esh-Sheikh Jâyel on one of the steps of that headland, 'thence one gets the best view of the lower slopes and of the Jordan valley.' The stream of the wady between these two headlands, before it reaches the Dead Sea, passes the ruins es-Sueimeh, in which there is a possible echo of Y'shimon, and Y'shimôth; and the bare district about this lies in full view of both headlands. There is, therefore, no need to read Pisgah for Pe'or in Num. xxiii. 28 on the basis of Num. xxi. 20. On the whole the above identification of *the Gai* with the W. 'Uyun Musa is preferable to that with the next wâdy to the N., the W. Hesbân (Driver). Conder's proposal for Beth-Pe'or (*Heth and Moab*, 146), the headland by 'Ain el Minyeh, would remove *the Gai* too far south.

And now, O Israel, hearken unto the statutes and unto 4
the judgements, which I teach you, for to do them; that ye may

CH. IV. 1—40. HORTATORY PART OF THE FIRST DISCOURSE.

The historical review closing with iii. 29. the rest of the discourse consists of exhortations to practise the Laws about to be announced and appeals to the nation's experience. Four obvious divisions: (1) 1—8, Commands to keep the Laws, with a reminder of Ba'al-Pe'or; (2) 9—24, Against idolatry, with memories of Horeb; (3) 25—31, Predictions of the nation's destruction by exile if they fall into idolatry and of God's mercy if they then repent; (4) 32—40, Appeals to their experience of the uniqueness of their God.—Though all four are concerned with the spiritual nature and uniqueness of Jehovah, their form and their contents both raise doubts of their unity, and of their connection with i. 6—iii. There is no regular progress; repetitions of, and apparent discrepancies with, i. 6—iii. occur; the passages on exile and repentance confined to 25—31 are held to be exilic; though the language is mainly deuteronomic there are curious outcrops of terms either found only in D and P, or elsewhere confined to v.—xxvi. On all these see below. Opinion is, therefore, divided as to the unity of this section, its integrity with i. 6—iii., and its date. Moore, *Enc. Bibl.*, holds these further reasons for its exilic origin, that its monotheism is loftier than that of v.—xi., and that the greater part of it is but a homily on v. 25 ff. The first of these reasons is questionable—cp. *vv.* 19—and even if true would be a precarious symptom of date: the second is also doubtful.

1—8. ENFORCEMENT OF THE IMPENDING LEGISLATION.

The main purpose of the discourse, the enforcement of the Laws about to be given, for on the practice of these depends Israel's survival in the Land (1 f.)—let them remember Ba'al-Pe'or! (3 f.)—as well as their wisdom and fame as a people (5 f.); what other has such a God or such laws? (7 f.). *V.* 1 closely joins with the preceding i. 6—iii., which indeed requires some such practical conclusion as is provided in iv. 1—4, and the unity of these *vv.* with i. 6—iii. is generally recognised, but as we shall see there is no reason to doubt that *vv.* 5—8 also belong to that unity.

1. *And now*] Emphatic call to the practical purpose of the discourse; the same in x. 12, the beginning of the last stage of the second introduction to the Code.

O Israel, hearken] Sg. imper. confirmed by Sam. and LXX in a context using the Pl. form of address; an instance of the natural transition by the same author from one to the other, cp. *v.* 5 and i. 8.

the statutes and...the judgements] Heb. *ḥuḳḳîm* and *mishpaṭîm*, a common title for the deuteronomic Laws, iv. 1, 5, 8, 14, v. 1, xi. 32, xii. 1, xxvi. 16; sometimes combined with or varied by *miṣwah*, *commandment*, and *'ēdwôth*, solemnly pronounced *decrees* (see on *v.* 45).

live, and go in and possess the land which the LORD, the
2 God of your fathers, giveth you. Ye shall not add unto the
word which I command you, neither shall ye diminish from
it, that ye may keep the commandments of the LORD your
3 God which I command you. Your eyes have seen what the
LORD did because of Baal-peor: for all the men that followed

Hôk means *engraven* or *instituted, a statute* covering 'positive institutions or enactments, moral, ceremonial, civil (e.g. vii. 1—3, xii., xiv., xvi. f. etc.)'; *mishpat*, lit. *judgement*, judicial decision, 'the provisions of the civil and criminal law' (Driver).

which I teach you] The participle, **am about to teach you**; cp. v. 5. It is remarkable that in the Pent. D alone uses this verb—teach and learn—of religion and the Law, and this no fewer than 17 times. The idea is the same as that of the prophets, especially Hosea and Jeremiah, that true religion rests on the knowledge of God, the people sinning because not *understanding with the heart* (Heb. for the practical intellect) what God is and demands; and *perishing for lack of knowledge*.

that ye may live] as a nation! That the national existence depends on the keeping of the Law is a principle of the deuteronomic writers. Understood in a thoroughly spiritual temper it is uncontestable. Every nation lives by loyalty to law, and the people, who were loyal to the spirit of this law would be strong and survive. As a matter of fact Israel preserved its identity among the nations and survived the influences which overwhelmed the religions of its neighbours by its obedience. The Law was a fence about the people. But their danger was to substitute the letter for the spirit, as according to both Jeremiah and Jesus they did. On *live* cp. xxx. 6.

2. *Ye shall not add unto the word...neither...diminish from it*] So xii. 32 [Heb. xiii. 1], cp. Jer. xxvi. 2, Rev. xxii. 18 f. That the Law was tampered with in Josiah's day is implied in Jer. viii. 8, *the false pen of the scribes has wrought falsehood*. Our verse and xii. 32 have been interpreted as if the deuteronomic law gave itself forth as the full, final letter of the Divine Revelation. This is not so: cp. its promise of a new prophet like to Moses, xviii. 15 ff.

which I command you] Again the participle, **am about to command**. Sam. and Luc. add *this day*.

3. *Your eyes have seen*] Cp. iii. 21.

because of Baal-peor] Heb. *in Ba'al-Pe'or* (=in Beth-Ba'al-Pe'or), a place-name as in Hos. ix. 10; cp. iii. 29. The sin and its punishment are related by JE, Num. xxv. 1—5; then follows, 6—16, a similar story about Israel and Midianite seductions, from P. Ba'al of Pe'or was a local deity, otherwise unknown to us. Driver (*Deut.* 63 f.) questions the usual opinion that he was a priapic deity, yet the close association of the charge of worshipping him with that of illicit inter-

Baal-peor, the LORD thy God hath destroyed them from the midst of thee. But ye that did cleave unto the LORD your 4 God are alive every one of you this day. Behold, I have 5 taught you statutes and judgements, even as the LORD my God commanded me, that ye should do so in the midst of the land whither ye go in to possess it. Keep therefore and 6 do them: for this is your wisdom and your understanding in the sight of the peoples, which shall hear all these

course with the daughters of Moab, combined with the notorious impurity of the Syrian religions, appears to confirm the opinion.

thy God...from the midst of thee] Note the change to the Sg. here from the Pl. in the beginning of the verse. Sam. and LXX, probably less originally, give Pl. throughout. For similar changes see *vv.* 25, 29, 34; xi. 13, 14.

4. *ye that did cleave unto the LORD your God*] See on x. 20.

5. *Behold, I have taught you*] The perf. of the verb in contrast with the fut. in *v.* 1 raises questions. Does Moses now refer to laws which he has already promulgated from Horeb onward (so Driver)? Hardly, for the rest of the verse implies the same *statutes and judgements* as *v.* 1. Or is this verse out of place here, and borrowed from an address by Moses after the promulgation of the deuteronomic laws (Dillm., Westphal, Steuern., etc.)? Or is it the mistake of a scribe (Kosters)? Bertholet seeks a solution in the fact that when the Heb. verb for *behold* (*re'eh*, sing. but Sam. and LXX plur.) is followed by a finite verb the perfect is used even where we should expect a future (e.g. Gen. xli. 41. 1 Chr. xxi. 23). Thus the action in view is represented as if it were already past (for a similar idiom cp. 'the prophetic perfect'). There is, therefore, no reason to question that *v.* 5 refers like *v.* 1 to the legislation imminent in Israel; alternatively it may include the laws given on Horeb, cp. *v.* 14. In any case the chief objection to taking *vv.* 5—8 along with 1—4 is removed.

whither ye go in to possess it] The only Pl. passage which gives this phrase (though *v.* 1 has a variant) so distinctive of the Sg. passages that in them it occurs 10 times. See on vi. 1.

6. *Keep therefore and do them*] So eight times in D (as also eight in P); the similar *keep* (or *observe*) *to do* occurs some 20 times both with Sg. and Pl. This practical emphasis is characteristic of the Book. Men are often content to remember the commandments.

for this is your wisdom and your understanding] Not your mere possession of the law, but *this your doing of it*, shall be your intellectual strength. Cp. John vii. 17.

in the sight of the peoples, which shall...say] So actually it came to pass. Loyalty to the Law ensured not only the national existence of Israel (see on *v.* 1), but their fame among the Gentiles; *who shall say, This great nation is a wise and understanding people.* Most signally

statutes, and say, Surely this great nation is a wise and
7 understanding people. For what great nation is there, that
hath [1]a god so nigh unto them, as the LORD our God is
8 whensoever we call upon him? And what great nation is
there, that hath statutes and judgements so righteous as all this

[1] Or, *God*

fulfilled by the fame of the Jews among illuminated Greeks after Alexander's conquest of Asia. Hecataeus of Abdera, Clearchus, Theophrastus, Megasthenes, Hermippus all call the Jews the *philosophers* of the East (*Jerusalem*, II. 401, etc.). The cause of such a fame was not of course the wise details of the Law, nor even that the nation possessed and lived by it, in a way unparalleled by any nation in W. Asia—the Greeks find the nearest parallel in India—but the religious spirit of the Law, its unique *monotheism*. And so the discourse now proceeds to speak of Israel's God.

Surely] Heb. *rak*. See on x. 15.

7. *For what great nation...hath a god so nigh*] Both noun, *élohîm*, and adj., *k*ᵉ*robim*, are plural. *Elohîm* may signify *a god*, or *gods*, as vi. 14 and elsewhere; or the general idea of Deity, this chiefly but not always in the mouth of, or addressed to, the heathen, e.g. v. 24, Gen. xx. 13, Exod. xxxi. 18; or may stand for the God of Israel (cp. the deuteronomic 2 Sam. vii. 23). Here it is either of the first three—*a god*, *gods* or God (R.V. marg.). The rest of the verse explains what is meant by *nigh*: He hears prayer and answers it by actual deeds. The prophets' contrast of Israel's experience of God with that of other nations is constant and remarkable—a proof of the experimental, practical quality of their religion. Jeremiah insists that the gods of the heathen are *vanities* and *do not profit* them (ii. 8, 11, 13: *broken cisterns*, 28, xvi. 19 f. etc.); cp. the Prophet of the Exile ('Isai.' xliv. 9 f., xlvii. 12, xlviii. 17) and his argument that Jehovah alone promises and fulfils ('Isai.' xli. 21 ff.). To all the prophets, but especially to Isaiah, God is not only the infinitely sublime, but the infinitely near, hearing prayer, ready to help, interested, vigilant and active in all the details of their everyday life. Legal Judaism lost this sense of the constant nearness of God, and did not compensate for the loss by its apocalypses.

8. *And what great nation...hath statutes...so righteous*] This challenge is as just as the preceding. Other great codes and systems of ethics there undoubtedly were in Israel's world (e.g. the Code of Ḥammurabi and various systems in Egypt). But the deuteronomic Torah is rightly exalted above them—because of its pure religious fervency, its revelation of the Divine character, and its enforcement, in the details of human conduct, of the example of God Himself. Moreover, the Law of no other nation in Israel's world has exerted so practical an influence on the ethics of mankind. How necessary it was to impress Israel, both immediately before and during the Exile, with the dis-

law, which I set before you this day? Only take heed to 9

tinction which the Law gave them among the nations is seen from such passages as Ezek. xx. 32, xxv. 8. The heathen said Israel is *like all the nations*, and Israelites were tempted to fall back upon the easier ethics of their neighbours, *we will be as the heathen*. This is the temptation of all recipients of high ideals and duties; none are more exposed to it than Christians; they must remind themselves, as this discourse insists, of the privilege and responsibility of those who having known the better dare not be content with the easier. The substance of these verses then is *Walk worthy of the vocation wherewith ye have been called*. The abuse of such a conscience is the self-righteousness born of a merely formal fulfilment of the Law (Luke xviii. 11). 'Phari-saism and Deuteronomy came into the world the same day' (A. B. Davidson, Hastings *DB*. II. 577).

set before you] Not prescribe or enforce; but offer for your decision and acceptance. So xi. 26, 32, xxx. 1, 15, 19. The affirmation of the people's responsibility is characteristic of D.

9—24. Against Idolatry.

The truth that is beneath the whole Law: God is revealed not in images, but by words and deeds of redemption. Warned to lay their experience to heart (9), Israel are reminded of the revelation at Horeb, solely by words and the covenant (10—14); let them recall they saw no form (15) lest they make any idol of any living thing in earth, air or sea (16—18) or worship the host of heaven, assigned by Jehovah to other peoples (19), but no gods for those whom He hath redeemed for Himself (20). For their sakes, Moses is not to cross Jordan (21 f.); so he enjoins them to take heed. Jehovah is a devouring fire (23 f.).

In substance the passage is a unity—except perhaps *v.* 19. In form it is in the Pl. address with a few transitions to the Sg.; all. except *v.* 10, confirmed by Sam. and LXX. These are typical of the various causes which may have led to frequent transitions. The Sg. is logically explicable in *v.* 9, perhaps too in 10; coincides in 19 with the only change of subject, and so possibly marks a later addition; in 21 may be due to the later addition of a formula; while 24 is possibly a quotation and the preceding *thee* in 23 due to the attraction of its Sg. The language is in the main deuteronomic, but the section has been taken (along with 32—40) as from another hand than i. 6—iv. 8 (alternatively i. 6—iv. 4) on these grounds: that the same author would not have repeated in 21 f. what he has narrated in iii 26; that 10 ff. imply that Moses is addressing the same generation as was alive at Horeb and are therefore discrepant with i. 35 ff. and ii. 16, while agreeing with the Second Discourse, cp. vii. 16; that of the phrases used some are found in D only in v.—xxvi., xxviii. (*lest thou forget*, 9, 23, vi. 12, viii. 11, 14, 19, ix. 7, xxv. 19; *which thine eyes have seen*, 9, vii. 19, x. 21, cp. xi. 7; *all the days of thy life*, 9, vi. 2, xvi. 3, xvii. 19);

thyself, and keep thy soul diligently, lest thou forget the things which thine eyes saw, and lest they depart from thy heart all the days of thy life; but make them known unto
10 thy children and thy children's children; the day that thou stoodest before the LORD thy God in Horeb, when the LORD said unto me, Assemble me the people, and I will make them hear my words, that they may learn to fear me all the

others are found only in P (*male and female*, *winged fowl*, *anything that creeps*, 17 f.) or other late writers (*figure*, 16, *iron furnace*, 20). Note, too, *people of inheritance*, 20, for the usual *peculiar people*. The discrepancy (see below) is not conclusive; neither does the language necessarily imply an exilic date; even the phrases found elsewhere only in P are very general. The similarities to v.—xxvi., xxviii. may imply a date subsequent to the latter; but are too few to render such an inference certain.

9. *Only*] Not restriction to one point, but emphasis on the principle of the whole of the Law. For the use of this restrictive adverb so frequent in D see on x. 15.

take heed to thyself] Found in JE, Gen. xxxi. 24, etc., but frequent in D—9 times thus, and 5 more generally.

keep thy soul diligently] Rather, **guard well thyself** (cp. 23 Pl.) or **thy life**; cp. 1, *that ye may live*.

lest thou forget the things which thine eyes saw] The experience of the nation as a whole is meant, and not only that of the generation addressed. So the prophets frequently call on their contemporaries to remember what happened to the nation long ago. Hence the transition in this verse to the Sg. is natural and does not imply another author. Similarly throughout the following discourse v—xi. See on x. 21.

thy heart] The seat not of the emotions but of the practical intellect, or, as here, of the memory. Cp. our 'to get by heart,' 'lay to heart.'

make them known unto thy children] First instance of the frequent enforcement to hand on the religious tradition: 10, vi. 7, 20 f., xi. 19, xxxi. 13, xxxii. 46.

10. *the day*] Governed by *lest thou forget* in v. 9; or an acc. of time.

thou stoodest before...thy God] So Sam., the nation being still regarded as an individual; LXX *ye stood*.

Assemble me the people] See below on v. 22.

may learn to fear] The frequent commands *to fear*, or *learn to fear*, God, v. 29, vi. 24, viii. 6, x. 12, xiv. 23, xvii. 19, xxviii. 58, xxxi. 13, associate that temper with *hearing*, *reading*, or *doing* God's law, or *walking in His ways*. It is thus no inarticulate, brutish awe before the unknown, which we call superstition, but the vigilant, scrupulous temper of a servant to whom his lord's will has been fully declared—

days that they live upon the earth, and that they may teach their children. And ye came near and stood under the 11
mountain; and the mountain burned with fire unto the heart of heaven, with darkness, cloud, and thick darkness. And the LORD spake unto you out of the midst of the fire: 12
ye heard the voice of words, but ye saw no form; only *ye heard* a voice. And he declared unto you his covenant, 13
which he commanded you to perform, even the ten

cp. Lat. 'religio' and our general use of 'religious' and 'religiously'—an earnest, anxious obedience; never a mere feeling, but the intelligent and loyal practice of a trust. See also on xiv. 23.

11. *ye came near and stood under the mountain*] E, Exod. xix. 17, *took station in the nether part of the mount.*

burned with fire] J, Exod. xix. 18, *Mount Sinai was all on smoke... as the smoke of a furnace, and...quaked greatly*; E, Exod. xx. 18, thunder, lightning, and mount smoking.

unto the heart of heaven] A characteristic deuteronomic addition; cp. i. 28.

with darkness, cloud, and thick darkness] The accumulation is characteristic; cp. E, Exod. xix. 16, *thick cloud*; xx. 21, *thick darkness*; P, xxiv. 15*b*, 18*a*, *cloud.*

12. *the LORD spake...out of the midst of the fire*] So 15, 33, 36, v. 4. 22, 24, ix. 10, x. 4. J, Exod. xix. 18, *descended in fire*; P, Exod. xxiv. 17, *the glory of Jehovah like devouring fire.*

the voice of words...only...a voice] E, Exod. xix. 19, *God answered by a voice*; P, Exod. xxiv. 16, *called out of the cloud*; E, Exod. xix. 16, 19, xx. 18, reiterates the sound of a trumpet, *exceeding loud.* The omission of this by D is noteworthy.

ye saw no form] Heb. *t'mûnah*, *form* or *shape*; E, Exod. xx. 4. This feeling, that seeing is more sensuous than hearing, was shared by the prophets, who forbad the presentation of God in any physical shape, yet did not hesitate to use words describing Him in the likeness of a man: father, husband, warrior, even as a travailing woman, xxxii. 18, 'Isai.' xlii. 13 f.

13. *his covenant, which he commanded you*] Heb. *b'rîth* (prob. from a root = *to bind*) meant any compact, contract or bargain: between friends, 1 Sam. xviii. 3; man and wife, Prov. ii. 17; master and servant, Job xli. 4; king and people, 2 Sam. v. 3; former foes, whether individuals, *id.* iii. 12 f., or peoples, J, Exod. xxiii. 32; Deut. vii. 2 (the only instance in D of its non-religious use); conqueror and conquered, 1 Sam. xi. 1. *Bᵉrîth* might apply either to the transaction or to the binding conditions on which it was based; the covenant or the terms of the covenant, i.e. ordinance or constitution. When the parties were of unequal power the terms were imposed by the stronger. So between God and Israel; *His covenant which He commanded*, here and xxix. 1.

[1] commandments; and he wrote them upon two tables of stone.
14 And the LORD commanded me at that time to teach you
statutes and judgements, that ye might do them in the land
15 whither ye go over to possess it. Take ye therefore good
heed unto yourselves; for ye saw no manner of form on the

[1] Heb. *words*.

Used first in a religious sense by JE, Gen. xv. 18, etc. of God's covenant with the patriarchs; Exod. xix. 5, xxiv. 7 ff. etc. with Israel at Horeb; less used by the prophets, e.g. Hos. vi. 7, viii. 1; Jer. xi. 10, xxxi. 32; but very frequent in Deut., iv. 31, vii. 12, viii. 18, etc., with patriarchs (cp. vi. 18, ix 5, xi. 9, etc.); iv. 13, 23, v. 2, ix. 9, 11, 15, at Horeb; xvii. 2(?), xxix. 1, 9, 12, 14, 21, 25 renewed in Mo'ab. The terms *commanded* by God were *the words of the covenant*, J, Exod. xxxiv. 28, or *the covenant* alone as here, i.e. the Decalogue, but in xxix. 1 the whole Deuteronomic Code; *book of the covenant*, E, Exod. xxiv. 7, the Horeb legislation, but in 2 Kgs xxiii. 2 f., 21, cp. Deut. xxix. 21, the Deuteronomic Code. The tables of the Decalogue were *the tables of the covenant*, ix. 9, 11, 15; hence D's characteristic name for the Ark, *the Ark of the Covenant*, x. 8, xxxi. 9, 25 and in Josh. A covenant was solemnised by a sacrificial feast, Gen. xxi. 28 ff., xxxi. 46, 54. Hence probably the phrase *to cut* or strike a covenant (*karath b'rîth*), cp. ὅρκια τέμνειν. Beyond the frequent use of this phrase, e.g. iv. 23, D nowhere associates the covenant with sacrifice. God makes (*karath*) it and it is *His*; *swears to it*; *forgets it not*, *keeps*, *fulfils* and *establishes it*, iv. 31, vii. 12, viii. 18, etc.; *keeping covenant and true love*, vii. 9, 12. Israel *enters into it*, xxix. 12, and is bound to *keep* and to *do it*, *passim*.

the ten commandments] **Words**. So also x. 4. E, Exod. xx. 1 *all these words*. A gloss in Exod. xxxiv. 28 has *the ten words*. See Driver's note on both passages; and below on v. 5, 'The Ten Words.'

he wrote them upon two tables of stone] See below on v. 22. On the 'covenants' mentioned in the Pentateuch see Driver, *Exod.* p. 175.

14. *And the LORD commanded me at that time*, etc.] Heb. emphasises *me*; these additional laws given through Moses appear, from the following phrase, to be the laws he is now about to publish, cp. *v.* 5; yet the words *at that time* point to the inclusion with them of the laws at Horeb, E, Exod. xx. 22—xxiii. 33.

whither ye go over to possess it] A phrase peculiar to passages in the Pl. address. Contrast *v.* 5. See on vi. 1.

Vv. 13 f. form a slight digression from the main subject of 9—24, and are taken by some as a later intrusion. But this is to forget the general discursiveness of the author. See too next note.

15. *ye saw no manner of form*] Resumes and repeats the reminder in *v.* 12 in a way that would have been unnecessary but for the digression in 13 f.; and proves that the latter is original. *Form*, Heb. *t'mûnah*.

day that the LORD spake unto you in Horeb out of the midst of the fire: lest ye corrupt yourselves, and make you a 16
graven image in the form of any figure, the likeness of male
or female, the likeness of any beast that is on the earth, the 17
likeness of any winged fowl that flieth in the heaven, the 18
likeness of any thing that creepeth on the ground, the like-
ness of any fish that is in the water under the earth: and 19
lest thou lift up thine eyes unto heaven, and when thou
seest the sun and the moon and the stars, even all the
host of heaven, thou be drawn away and worship them, and

16. *lest ye corrupt yourselves*] **Act perniciously.**

a graven image] Heb. *pesel*: any idol carved in stone or wood.

figure] Heb. *semel*, only here; Ezek. viii. 3, 5; 2 Chron. xxxiii. 7, 15, the Phoen. apparently for a statue, *ἀνδριάς* (*CIS* I. i. 41, line 1; 88, lines 2, 5; 91, 1). So here of the human figure as the following words show.

the likeness, etc.] Rather, **the build** or **mould**, Heb. *tabnîth, of male or female.*

17. *the likeness*] Again *tabnîth.*

winged fowl] Heb. *bird of wing*: cp. P, Gen. vii. 14; i. 21.

18. *the water under the earth*] The Hebrews conceived the sea not only as lower than and round the earth, but as passing beneath it (the earth being established or fixed over it) and so forming the source of all fountains, many of which in Syria are salt, and of all streams. Cp. Pss. xxiv. 2, xxxvi. 6, *the great deep*; Am. vii. 4; Jon. ii. 3—6, and see below on xxxiii. 13.

19. *lest thou lift up thine eyes unto heaven*] Change to Sg., confirmed by Sam. and LXX.

and when thou seest the sun, etc.] xvii. 3: *sun, moon or any of the host of heaven.* Unlike the warnings against idolatry this one is not found in JE or R. *The host of heaven* was the dominant influence in Babylonian religion, and though there are traces of astral worship from the earliest times in the neighbourhood of Jerusalem (cp. Bit-Ninib in the Tell-el-Amarna Letters, Beth-shemesh, etc.), it first became an active danger to Israel, when under Ahaz Assyrian example began to tempt the people of Jehovah, and in the last days of N. Israel, 2 Kgs xvii. 16, and in Judah under Manasseh, 2 Kgs xxi. 3, 5, xxiii. 4, 5, 11, Assyria imposed on her tributaries the forms of Babyl. culture. Cp. the pre-exilic prophets Zeph. i. 5; Jer. vii. 18, viii. 2, xix. 13, xliv. 17; Ezek. viii. 16. These show that the worship was both national, in the temple, and domestic. On the temptations in Jerusalem to the worship of the heavenly host see *Jerusalem*, II. 186 f. The natural seductiveness of the worship is well indicated by the successive verbs used here.

thou be drawn away] Rather reflexive, *let thyself be drawn*, xxx. 4, 17; cp. the active form, xiii. 5, 10, 13 [Heb. 6, 11, 14].

serve them, which the LORD thy God hath divided unto all
20 the peoples under the whole heaven. But the LORD hath
taken you, and brought you forth out of the iron furnace,
out of Egypt, to be unto him a people of inheritance, as at
21 this day. Furthermore the LORD was angry with me for
your sakes, and sware that I should not go over Jordan, and
that I should not go in unto that good land, which the LORD
22 thy God giveth thee for an inheritance: but I must die in

worship them, and serve them] Rather, **bow down to them and worship them.** Cp. v. 9, viii. 19, xi. 16, xvii. 3, xxix. 26 (25), xxx. 17. and the addition to E, Exod. xx. 5.

which the LORD *thy God hath divided unto all the peoples*] *Distributed*, or *allotted*. An interesting attempt by the writer to reconcile his great truth that Jehovah is God alone with the fact that the other nations worship other gods (cp. xxix. 26). This is part of His supreme Providence. Some find also in the words the feeling that such cults preserved the Gentiles from utter ignorance of God, and cite Clem. Alex. (*Strom.* VI. 14, 110 f.): the stars have been assigned to them, ἵνα μὴ τέλεον ἄθεοι γενόμενοι τελέως καὶ διαφθάρωσιν, and as a guide to God Himself, ὁδὸς γὰρ αὕτη δοθεῖσα τοῖς ἔθνεσιν ἀνακῦψαι πρὸς θεόν.

The coincidence of the change of address to the Sg. with the change of subject leads some to take the verse as an intrusion by a later hand. But it may be a later addition by the author of the context himself on consideration of xvii. 3, and as this is in the Sg. form it would account for his change to the Sg. here. But note the parallel *under the whole heaven* with ii. 25. In any case there is no need to take the passage as post-exilic; the danger it would avert was, as the passages cited show, especially strong before the exile.

20. *But*, etc.] Heb. *But you*, emphatic, *hath Jehovah taken.* Israel, so taken and redeemed, must worship Him alone.

out of the iron furnace, out of Egypt] Cp. the deuteronomic 1 Kgs viii. 51 and Jer. xi. 4. The increase of references to iron-smelting from the 8th cent. onwards is noteworthy; *Jerusalem*, I. 332.

a people of inheritance] cp. xxxii. 9; elsewhere in D a *peculiar people*, cp. vii. 6.

as at this day] See ii. 30.

21. *Furthermore the* LORD *was angry with me for your sakes*] See on i. 37, iii. 26. The fact is again introduced here as a relevant motive to the following exhortation; this answers the proposal to treat it, on account of its repetition, as an intrusion.

that good land] Heb. *the*; see on i. 35.

which the LORD *thy God giveth thee for an inheritance*] Heb. partic. *is about to give thee*, xix. 10, xx. 16, xxi. 23, xxiv. 4, xxvi. 1; *as an inheritance to possess it*, xv. 4, xxv. 19; cp. xix. 31; only in D, and almost always with the Sg. address, but cp. xxix. 8. The transition to the Sg. is confirmed by Sam. and LXX.

this land, I must not go over Jordan: but ye shall go over, and possess that good land. Take heed unto yourselves, 23
lest ye forget the covenant of the LORD your God, which he made with you, and make you a graven image in the form of any thing which the LORD thy God hath forbidden thee.
For the LORD thy God is a devouring fire, a jealous God. 24
When thou shalt beget children, and children's children, 25
and ye shall have been long in the land, and shall corrupt

23. *Take heed unto yourselves*] See on *vv.* 9, 15; *covenant*, see on *v.* 13; and for the rest *v.* 16.

24. *a devouring fire*] Cp. ix. 3; a frequent description of God in Isaiah: xxix. 6, xxx. 27, 30.

a jealous God] v. 9, vi. 15. J, Exod. xxxiv. 14, Jehovah whose name is Jealous is a jealous God. These two expressions always occur in Sg. passages; and the Sg. here may be explained as a quotation. On *jealous* see Driver on Ex. xx. 5.

25—31. THREAT OF EXILE WITH PROMISE OF GRACE ON REPENTANCE.

If, with the slackness of increasing years, Israel give way to idolatry (25) Moses testifies that they shall perish from the land (26), and be scattered among the peoples (27) where indeed they must worship senseless idols (28). So far the Pl. address. But if change to the Sg.—in these latter days of tribulation the nation seeks and returns to Jehovah it shall find Him (29 f.). He will not fail nor forget His covenant (31).—As we shall see from the notes the threat of exile is no sufficient ground for judging 25—28 to be an exilic addition, but there are several phrases which only D and P have. Others are found only in xxviii. The exilic origin of 29—31 is more probable. Dillm. denies a connection between 25 and the preceding; it seems to the present writer that 25—28 is a natural continuation of *v.* 23. This, however, by itself does not prove identity of authorship.

25. *When thou shalt beget...and ye shall have been*] Read, *ye shall beget*. The sentence illustrates the difficulties raised by the variant forms of address. So quick a change from Sg. to Pl., confirmed by LXX (though Sam. has Pl. for both verbs), is logically possible (*thou* = the mother nation; *ye* = the nation and its children). Yet the Sg. is more probably due to the attraction of the previous Sg., a copyist naturally continuing the latter till the changed form arrested him. For *thy God* both Sam. and LXX read *your God*. Thus the Pl. is complete throughout 25—28. The word for *beget* only here, xxvii. 1 and in P.

ye shall have been long] Or *grown old* or *stale*, used of *old* corn, Lev. xxvi. 10, and inveterate leprosy, xiii. 11. Here not merely living long

yourselves, and make a graven image in the form of any thing, and shall do that which is evil in the sight of the
26 LORD thy God, to provoke him to anger: I call heaven and earth to witness against you this day, that ye shall soon utterly perish from off the land whereunto ye go over Jordan to possess it; ye shall not prolong your days upon it, but
27 shall utterly be destroyed. And the LORD shall scatter you among the peoples, and ye shall be left few in number among the nations, whither the LORD shall lead you away.
28 And there ye shall serve gods, the work of men's hands, wood and stone, which neither see, nor hear, nor eat, nor

in the land, but growing aged in spirit, losing spiritual freshness. Similarly the prophets judged the wilderness days to have been the ideal period of Israel's history, the subsequent ages decadent.

corrupt yourselves] See on *v.* 16; *graven image*, etc., *ibid.*

do evil in the **eyes** *of the* LORD] ix. 18, xvii. 2, xxxi. 29, and P, Num. xxxii. 13; or *good*, vi. 18, xii. 28.

to provoke him] ix. 18, xxxi. 29, xxxii. 16, 21, also in deuteronomic passages in Kings and in Jeremiah.

26. *I call heaven and earth to witness against you*] So xxx. 19, xxxi. 28. Berth. points out that the older style is *earth and heaven*. In controversy between God and Israel nature is introduced as the executioner of His judgements, or as suffering these with man; or as illustrating the steady laws or principles on which God acts in the moral sphere; or as here (cp. Mic. vi. 1 ff.) as witnessing against man. Enduring, the heavens and earth, especially the mountains, have seen all the relations between God and man, and when His evils come will be able to testify that God had warned the people. But differently in xxxii. 1, *q.v.*

ye shall soon utterly perish from off the land] Perish that is as a nation, vii. 4, xi. 17, xxviii. 20 and the deuteronomic Josh. xxiii. 16. *Soon*, vii. 4, 22, ix. 3, 12, 16, xxviii. 20.

whereunto ye go over Jordan to possess it] characteristic of the Pl. passages. See Introd. and on *vv.* 5, 14 and vi. 1.

ye shall not prolong your days] Again, as a nation. In the Hex. only here and iv. 40, v. 33, xi. 9, xvii. 20, xxii. 7, xxx. 18, xxxii. 47; and passive, v. 16, vi. 2, xxv. 15. Cp. E, Josh. xxiv. 31.

27. *few in number*] Heb. idiom *men of a number*, easily counted, instead of being innumerable, as the stars in heaven for multitude.

28. *ye shall serve gods, the work of men's hands*, etc.] The acme of their punishment. They have chosen to serve idols; idols must they serve in a land where the worship of Jehovah is impossible. This scorn of senseless idols, also in xxvii. 15, xxviii. 36, 64, xxix. 17, xxxi. 29, is an essential temper of monotheism, appearing also in Hos. viii. 6, xiii. 2; Isai. ii. 8, 20, etc.; Jer. ii. 8, x. 1—10, and most frequently in 'Isai.' xl. 19 f., xli. 7, xliv. 9—20, xlvi. 6 f.

smell. But if from thence ye shall seek the LORD thy God, 29
thou shalt find him, if thou search after him with all thy
heart and with all thy soul. When thou art in tribulation, 30
and all these things are come upon thee, [1]in the latter days
thou shalt return to the LORD thy God, and hearken unto
his voice: for the LORD thy God is a merciful God; he will 31
not fail thee, neither destroy thee, nor forget the covenant

[1] Or, *if in the latter days thou return*

29. *But if from thence ye shall seek...thou shalt find*] The Pl. *ye* is due either to the attraction of the plurals of the previous verses or to a dittography. How easily the former worked is seen from the LXX which carries the Pl. as far as *search after him*. Read with Sam. **thou** *shalt seek*. Thus the Sg. stands throughout 29—31. Omit *him* after *find*; cp. Jer. xxix. 13.

with all thy heart and with all thy soul] *Heart* the seat of *the practical intellect* (see on *v.* 9); *soul* of the desires, the two thus covering the whole man. See vi. 5, x. 12, xi. 13, xiii. 3, xxvi. 16, xxx. 2, 6, 10 (vi. 5 adds *with all thy force*), and deuteronomic passages in Josh. and Kgs; once in Jer. xxxii. 41 of God. This enforcement of spiritual thoroughness is characteristic of D.

30. *all these things*] Implied in 26 f.

in the latter days] *The end* or *issue of the days*; frequently in the prophets of what is beyond the period with which they are engaged.

and hearken unto his voice] Found also in JE, this phrase much oftener occurs in D; no less than 17 times.

31. *a merciful God*] Cp. JE, Exod. xxxiv. 6.

he will not fail thee] Rather, **will not let thee drop** (Driver); will hold thee fast. Cp. xxxi. 6, 8; Josh. i. 5.

nor forget the covenant] See on *v.* 13.

Further Note on **25—31.** The two parts of this 25—28 and 29—31 are probably separate; note the change of address. Berth. says that the whole 'bears clearly the stamp of exilic authorship.' This is not true of 25—28, the threat of exile. After the exile of N. Israel in 721 and the precedents in prophecy for a threat of exile (cp. Amos, Isaiah and Jeremiah), and the notorious policy of Assyria towards subject races, it would on the contrary have been strange not to have found in the pre-exilic deuteronomists, with their prophetic temper, some foreboding of exile. Dillm. rightly says, 'the threat of exile has nothing surprising in it,' if we compare ch. xxviii. But the case is different with the promise contingent on the conversion of the people in exile. In itself it is as conceivable in D as in the prophets (whom it is impossible to regard, as a powerful school of criticism does, as predicters only of judgement), but as Dillm. points out it lies here too far away from the purpose of the exhortation[1]. Add to this reasons of form, (1) that the

[1] There is an analogy, however, in xxix. f.

32 of thy fathers which he sware unto them. For ask now of
the days that are past, which were before thee, since the
day that God created man upon the earth, and from the
one end of heaven unto the other, whether there hath been
any such thing as this great thing is, or hath been heard like
33 it? Did ever people hear the voice of God speaking out of
34 the midst of the fire, as thou hast heard, and live? Or hath

for introducing 32 ff. has no relevancy to 29—31, but continues 25—28 (see Driver), and (2) the change from the Pl. to the Sg. address—and there is a strong case for taking 29—31 as a later exilic insertion like XXX. 1—10. Berth.'s argument that 32 naturally follows *v.* 24 is met by the fact that it more naturally follows *v.* 28, and we have already seen that 25—28 are the natural continuation of *v.* 23. We may, therefore, take 25—28 as integral, and only 29—31 as a later exilic intrusion.

32—40. The Uniqueness of the God of Israel.

This further appeal to the sole deity of Israel's God is founded upon the nation's experience of the unparalleled revelations He has made to them, the unparalleled deeds which He has performed for their deliverance (32—39); and it closes on the note with which the ch. opened, the enforcement of the practice of His laws (40).—Throughout in the Sg. form of address; for apparent exceptions see on *v.* 34. The section is joined by Berth. with 9—24 as one separate discourse, but as we have seen 32 connects even more naturally with 28. Over against the change to the Sg. address we have to place the sympathy of the contents and the similarity of the style with those of *vv.* 1—8. *Vv.* 32—39 best develop *v.* 7, while 40, which there is no reason for supposing with Steuern to be a mere scribal addition of formulas, suitably rounds off the whole by a return to the keynote of *v.* 1. If iv. 9—40 be a later addition to i. 6—iv. 8, it has been very skilfully and sympathetically added.

32. *For*] The connection, as we have seen, is not with the immediately preceding 29—31, but with either 28 or 24.

ask now, etc.] The challenge is bold and characteristic of D. From the first of time, from one end of heaven to the other, nothing has ever happened like that which Israel has experienced at Horeb or in the deliverance from Egypt to which the next verses proceed.

the day that God created man] P, Gen. i. 27, v. 1. *created*, *bara'*, P's characteristic expression for J's *made* and *formed*.

whether there hath been] Heb. *brought itself into being*, *happened*.

33. *voice of God*] Rather, **the voice of a god**, and with Sam. and LXX add **living**. Cp. v. 26.

and live] v. 23 ff. The well-known belief of ancient man that it meant death to come into close converse with the Deity.

God assayed to go and take him a nation from the midst of *another* nation, by [1]temptations, by signs, and by wonders, and by war, and by a mighty hand, and by a stretched out

[1] Or, *trials* Or, *evidences*

34. *Or hath God assayed*] Rather, **hath a god**. The verb *nissah* is rendered in xxviii. 56 *adventured*. It is also used for the *tempting* or *testing* of Israel by God, viii. 2, 16, xiii. 3 (4) (also in E), or of God by Israel, vi. 16 (also in JE).

to go] Heb. *to come*, which is better, meaning to come upon earth.

by temptations, by signs, and by wonders] vii. 19, xxix. 2 (partly vi. 22, xi. 3). *Temptations*, rather **tests**, **provings** or **experiments**, *massôth* (from the verb explained in previous note), such as those applied to Pharaoh; not only to prove him, but to offer him proofs that God was with Israel—so in the account of the plagues in JE, especially Exod. viii. 9 ff., ix. 27. *Signs* or *evidences*, *'othôth*, in the widest sense, any distinguishing mark (e.g. blood on the doorposts of the Israelites, Exod. xii. 13; a family mark or *ensign*, Num. ii. 2); but usually of an action or event attached to an oracle, either to illustrate or enforce its meaning (Isaiah stripped and barefoot, Isai. xx. 3) or to prove its divinity (Isai. vii. 3, etc.). These last, though startling, were not necessarily miraculous; cp. 1 Sam. ii. 34, the death of Eli's sons, Isai. viii. 18, the prophet's sons with the ominous names and as above, Isai. xx. 3; but as in the cases before us they might be so. Orientals make no distinction, except of degree, between one kind and another. *Wonders*, *môphᵉthîm* (usually with *signs*; in addition to deuteronomic passages quoted above, and xiii. 1 (2), see Isai. viii. 18, xx. 3), rather **portents**, more closely attached to the idea of the extraordinary than sign is. Also with the particular sense of foreshadowing, *prodigium*; cp. Zech. iii. 8. See also Driver's *Exodus* p. 59.

by war] To ask whether this implies a supernatural element, or simply the inspiration of Israel's armies, is to ignore the fact that Israel themselves made no such distinction. Jehovah himself was their warlord. J, Exod. xiv. 14, *Jehovah shall fight for you, ye shall hold your peace*; E, *id.* 24 *b*, *He discomfited the Egyptian host*; J, *id.* 25, *He took off their chariot-wheels...so that the Egyptians said, Jehovah fighteth for them*. But in other cases Israel themselves also fought.

by a mighty hand] In D 10 times, both with Sg. and Pl.; iii. 24, *thy mighty hand*; followed by *outstretched arm*, as here, v. 15, vii. 19, xi. 2, xxvi. 8; alone, vi. 21, vii. 8, ix. 26; followed by *great terrors*, xxxiv. 12. In JE (?), Exod. iii. 19, vi. 1, alone; cp. xiii. 14, 16, *strength of hand*.

and by a stretched out arm] In D 6 times both with Sg. and Pl.; of which five times (as above) with *a mighty hand*, and once ix. 29 with *great power*. Elsewhere in the Hex. only in P, Exod. vi. 6, which also uses the verb *stretch forth* in Exod. vii. 5.

arm, and by great terrors, according to all that the LORD
35 your God did for you in Egypt before your eyes? Unto
thee it was shewed, that thou mightest know that the LORD
36 he is God; there is none else beside him. Out of heaven
he made thee to hear his voice, that he might instruct thee:
and upon earth he made thee to see his great fire; and thou
37 heardest his words out of the midst of the fire. And because
he loved thy fathers, therefore he chose their seed after them,
and brought thee out with his presence, with his great
38 power, out of Egypt; to drive out nations from before thee
greater and mightier than thou, to bring thee in, to give
39 thee their land for an inheritance, as at this day. Know

by great terrors] Heb. *mōrā'îm, terrifying things.* LXX ὁράματα, *marē'îm*, accepted by Geiger; but it is weaker than the other. Cp. x. 21, *great and terrible things.*

for you] LXX omits and for *your God* gives *our God.* The only plurals in this section; probably editorial.

before your eyes] Heb. *thine eyes*; the *your* of both EVV shows how easy it is to change the original forms of address under the influence of attraction: there is a similar instance in A.V. iv. 3 *you* for *thee.*

35. *Unto thee it was shewed*] Heb. *Thou, thyself, wast made to see it.* Again an emphasis on the experimental character of Israel's religion. Jehovah does something! The formative effect of the tradition of the Exodus on that religion cannot be overestimated.

36. See on *v.* 15.

that he might instruct thee] **discipline thee**, 'that the people might be brought to a temper of becoming reverence' (Driver).

37. *And because he loved thy fathers*] So Hos. xi. 1 f. In Pent. only here and x. 15; but cp. vii. 8, 13, xxiii. 5. The free grace and election of God is to the prophets and D the original motive of the wonderful and unparalleled history.

and chose *their seed after them*] So Sam., LXX, Syr., Targ. and Vulg. Heb. has *his seed after him* which would mean Abraham. The change to the Sg. is interesting as showing how easily a writer passed from one number to the other. On *chose* see vii. 6.

38. *to drive out nations from before thee*] Heb. **to dispossess** *from before thee*; ix. 4, 5, xi. 23, xviii. 12 (and the probably editorial Exod. xxxiv. 24); cp. vii. 17, ix. 3, 5. For another form of same vb also with obj. of person see on ix. 1. Both are characteristic of D and occur both with Sg. and Pl.

greater and mightier than thou] vii. 6. See ix. 1.

to give thee their land for an inheritance] See on i. 38, v. 31.

as at this day] 'The reference may be either to the territory E. of Jordan, or (by an anachronism) to Palestine generally; the similar

therefore this day, and lay it to thine heart, that the LORD he is God in heaven above and upon the earth beneath: there is none else. And thou shalt keep his statutes, and 40
his commandments, which I command thee this day, that it may go well with thee, and with thy children after thee, and that thou mayest prolong thy days upon the land, which the LORD thy God giveth thee, for ever.

language of vii. 1 *end*, ix. 1, xi. 23 favours the latter interpretation' (Driver).

39. *Know therefore*] The apodosis in the long sentence 37–39 begins here and not as the R.V. gives it with *chose* in *v.* 37. See on vii. 9.

lay it to thine heart] Heb. *bring back to thy heart*, i.e. mind or memory. See on *v.* 29, and v. 6.

40. *thou shalt keep his statutes and his commandments*] Return to the keynote in *v.* 1.

prolong thy days] See on *v.* 26.

41—43. HISTORICAL NOTE.

Then, i.e. at the time of the preceding discourse in Moab, Moses set apart three cities E. of Jordan as asylums for men, who unwittingly and without previous hatred had slain their fellows: Beser, on the Plateau, Ramoth in Gilead, and Golan in Bashan.—The style of this fragment is deuteronomic (see notes below). But had it belonged to the previous historical discourse it would surely have appeared somewhere in iii. 18–29 (before the subsequent exhortations); and have been expressed in the 1st instead of the 3rd pers. sing. Nor is it alluded to, nor presupposed by, D's law on the Cities of Refuge, xix. 1 ff.; indeed, it cannot have been known to the author of this law which directs Israel to set apart three cities in the midst of the land which God is going to give them, i.e. the whole land both E. and W. of Jordan[1] (with the proviso that if God shall enlarge the land they may add three more). The fragment cannot have belonged, therefore, to the original D. P, in Num. xxxv. 9—34, records a law, as given to Moses in Moab, on the same subject; but states it (1) far more elaborately, (2) in a different vocabulary, and (3) with some differences of substance (see for details, *Intr. to Pent.* 121 f.). The cities are to be *six*, three on either side Jordan, and to be appointed *after* the people have passed over Jordan. In another P passage, Jos. xx. 1 f., this is said (again with some difference of terms) to have been done

[1] This is the only fair interpretation; if the law xix. 1 ff. had meant three cities in W. Palestine in addition to the three already set apart by Moses on the E. of Jordan, it would surely have alluded to the latter. The law was obviously made in consequence of the institution of the single sanctuary and without regard to any historical tradition of what Moses or Joshua had done.

41 Then Moses separated three cities beyond Jordan toward
42 the sunrising; that the manslayer might flee thither, which slayeth his neighbour unawares, and hated him not in time past; and that fleeing unto one of these cities he might

by Joshua; and the three E. cities named by him are the same as here. From all these data the most reasonable inference is that this fragment is the work of a deuteronomic editor either employing a tradition unknown to P; or (more probably) with P before him[1] and making from it the natural inference that Moses had himself named the three cities E. of Jordan.—If this be correct the fragment is an interesting illustration of the tendency (in many nations) to develop historical narrative out of law. In the earlier legislation (E, Exod. xxi. 12—14; see Driver's *Ex.* 215 f.) asylum is granted at every altar to him who has slain a man accidentally (but not to the wilful murderer). When all the altars were abolished by the deuteronomic legislation, except that of the Single Sanctuary, it became necessary to sanction asyla at a certain number of other places. This is done by D (Deut. xix. 1 ff.). The places were chosen partly (as is evident from the towns named W. of Jordan, Kedesh, Shechem, and Hebron) because they contained ancient sanctuaries and partly because of their convenience (evident equally from the towns chosen E. and W. of Jordan). From this arose the tradition[2] that the selection had been made in the earliest times; but one form of the tradition assigns the naming of the three towns E. of Jordan to Moses; the other assigns the naming of all six to Joshua.—Why the deuteronomic editor should have put the former just here it is impossible to determine.

41. *Then Moses separated*] Rather, **set apart.** In x. 8 the verb is used of God's solemn separation of Levi to bear the ark, etc., and in xxix. 21 (20) of the idolater to evil. The form of the verb here has the force of *began*, or *proceeded*, to set apart.

three cities] On the number, and its contradiction of xix. 1 ff., see above, note introductory to this fragment.

beyond Jordan] As in i. 1 the writer writes in W. Palestine. This is put past doubt by the additional clause, *toward the sunrising*, cf. *v.* 47. P omits *sun* and writes *towards the rising*, *v.* 49 and Num. xxxii. 19, xxxiv. 15.

42. *unawares, and hated him not in time past*] The same terminology as in xix. 1 ff. For this E has *lies not in wait but God delivers him into his hand* (in contrast with *wilfully*), Exod. xxi. 12—14; but P gives another term, *in error* or *inadvertence*, Num. xxxv. 11, 15. Josh. xx. combines both phrases *vv.* 3, 5, 9.

[1] The editor who compiled P with JED.

[2] The above data shew that the tradition (1) could not have been earlier than the deuteronomic legislation, for every altar before that provided an asylum and (2) that it was later than the deuteronomic legislation.

live: *namely*, Bezer in the wilderness, in the [3]plain country, 43
for the Reubenites; and Ramoth in Gilead, for the Gadites;
and Golan in Bashan, for the Manassites.

[1] Or, *table land*

43. *Bezer*] **Beṣer**; described, as here, in Josh. xx. 8; and in Josh. xxi. 36 along with Yahaṣ, Ḳedemoth, and Mepha'ath. The name also occurs on the Moabite stone, line 27. No modern equivalent has been recovered. The meaning of the name is the general one of *wall* or *fence*.

Ramoth in Gilead] Josh. xx. 8, xxi. 38 (with Maḥanaim), Ramoth of Gilead, 1 Kgs iv. 13, etc. It has been variously identified with Es-Salt (because of the military and administrative importance of this site, and the statement of Eusebius and Jerome that Ramoth Gilead lay 15 Roman miles W. of Philadelphia = Rabbath-'Ammon), and with the ruins called el-Jal'ûd, 6 miles N. of es-Salt. The Biblical data, however, imply a site N. of the Jabbok. Some have fixed on Jerash, but a site still further N. seems necessary. There Gadara (because it must always have been a fortress of importance, debateable between Israel and Aram, and because it is not otherwise mentioned in the O.T.) and Remtheh (both because of its position and its name) seem most suitable. Salḥad has been suggested, but it lies too far E., and its own name was too well known. See further *HGHL* 587 f., G. A. Cooke in Driver's *Deuteronomy* (3rd ed.), Add. p. xx; Cheyne, *E. B.* 4014 ff.

Golan] Josh. xx. 8, xxi. 27. The Γαυλάνη of Josephus (XIII. *Ant.* xv. 3; I *B. J.* iv. 4, 8) was in Eusebius' time 'a very large village in Batanea.' To-day the name Jaulān corresponds to the Γαυλανῖτις of the Greek period, E. of the Lake of Galilee and between the Yarmûk and Ḥermon. Schumacher identifies the town with the modern Saḥem-el-Jaulan, 17 miles E. of the Lake. See *HGHL* 444 n. 2, 536, 553.

44—49. INTRODUCTION (OR INTRODUCTIONS) TO THE FOLLOWING DISCOURSES AND LAWS (v.—xxvi.).

The appearance of a fresh heading at this point—between the two distinct sets of discourses i. 6—iv. 40 and v.—xi., which are further separated by the historical fragment, iv. 41—43—raises questions at the heart of the problem of the structure of the book of Deuteronomy. Does it signify that once the book began here and consisted only of the discourses v.—xi. and the laws xii.—xxvi.; i. 6—iv. 40 having been prefixed later? So Graf, Kue., Wellh., König, etc. Or is the appearance of the heading just here compatible with the theory that the whole of i.—xxvi. is the work of one author? So Dillm. and Driver on the ground that a new title would not be unnatural where the actual exposition of the law at last begins (i. 6—iv. 40 having been mainly historical). Other alternatives arise from the structure of the heading. Like that in i. 1—5 it is apparently composite. *Vv.* 44, 45 seem two

44 And this is the law which Moses set before the children

independent titles; *vv.* 46—49 not only accumulate details after the manner of some other titles in the O.T. but contain a slight difference of style: in 47 D's *towards the sunrising*, but in 49 P's shorter form of the same (see on *v.* 41 and the notes below). Other non-deuteronomic phrases are *set before* and *children of Israel*, thrice (see below on *v.* 44); but both the contents, and with one exception the language, of 46—49 closely recall parts of chs. ii. and iii. Recently there has been a general disposition to break up the heading. Steuernagel supposes 44 and 45 to be respectively the titles of the two documents, in the Sg. and in the Pl. form of address, which he traces throughout chs. v. ff.; Bertholet takes 44 as the transition from the first introductory address, i.—iii., to the legislation proper, xii.—xxvi.; and 45—49 as an introduction to ch. v.; Cullen takes 44 with 45*a*. 46*a* as the title to the original environment of the Law code or 'Torah,' but 45*ab*, 46*b* as that of the first combined edition of the 'Miṣwah' and 'Torah' (see Introd. § 1). The variety of these hypotheses alone shows their precariousness; and there is this further objection to finding in the double title, 44 and 45, headings to the original documents of D, viz. that even in these verses non-deuteronomic phrases occur. The *whole* passage looks editorial: one piece (Dillmann) in the cumulative style beloved by later scribes rather than a growth from an original nucleus (Driver). Why then was it inserted just here? Dillm.'s and Driver's answer, because at last with ch. v. begins the actual exposition of the law, is hardly relevant; because in that case *v.* 44 or *v.* 45 would have contained some such verb as the *expound* which we find in the title i. 5. Indeed, that title is more suitable here than where it stands, for it describes better the expository and hortatory character of v. ff. than the prevailing historical style of i. 6—iv. 40.—On a review of the data and these arguments it seems to the present writer more possible, and even probable, that part of i. 1—5 (and more particularly 5) originally formed the introduction to the combined discourses and laws, v.—xxvi.; that it was divorced from these by the prefixing to them of i. 6—iv. 40; and that when the whole book i.—xxvi. was thus constituted, it was found convenient for its practical use to supply a new heading to chs. v. ff. (v. 1 being too slight for the purpose), which should at once indicate that a new set of discourses begins here, and at the same time furnish a summary of the historical situation in which the discourses and legislation were delivered as described in chs. ii., iii. Such a suggestion is at least suitable to the salient features of iv. 45—49: that the language is partly post-deuteronomic and that part of the substance is based on chs. ii., iii.

44. *And this is the law*] So too Sam.; LXX, Vg. and Pesh. omit *and*. A slight symptom of the fact that this title once stood at the very beginning of an edition of D, the conjunction having been added when other matter was prefixed to it. On *law*, *Tôrah*, see i. 5, xxxi. 1, etc.

of Israel: these are the testimonies, and the statutes, and 45
the judgements, which Moses spake unto the children of
Israel, when they came forth out of Egypt; beyond Jordan, 46
in the valley over against Beth-peor, in the land of Sihon
king of the Amorites, who dwelt at Heshbon, whom Moses
and the children of Israel smote, when they came forth out
of Egypt: and they took his land in possession, and the 47
land of Og king of Bashan, the two kings of the Amorites,
which were beyond Jordan toward the sunrising; from 48

set before] Heb. *sam liphne* instead of the synonymous *nathan liphne* usual in D.

children of Israel] Heb. *bne Yisra'el*. So E, x. 6; JE(?), xxxi. 19, 22 f.; P, i. 3, xxxii. 51, xxxiv. 8 f. and in titles here, *vv.* 45, 46, xxix. 1 (xxviii. 69). In D the usual term is *all Israel*. (*Bne Yisra'el* in iii. 18, xxiii. 18 is no exception, for there and probably also in xxiv. 7 it means only *sons*, i.e. males, of Israel.)

45. *the testimonies*] An unsatisfactory translation of Heb. *'ēdoth*. As the kindred verb signifies to solemnly affirm, attest, protest and warn, *'edōth* may mean either (1) *decrees* or *edicts*, or (2) solemn exhortations. Its association with *statutes and judgements*, here and again in vi. 20, and with *commandments and statutes* in vi. 17, where it stands not before but between these two legal terms, favours the former alternative. Similarly P uses the related form *'edūth* for the Decalogue. Steuernagel's opinion that *'edōth* here covers the following hortatory discourses is therefore, while possible, less probable. Bertholet, limiting the reference of *vv.* 45—49 to ch. v. (see introd. to this section), suggests that *'edōth* means the Decalogue in ch. v.

statutes, and the judgements] See *v.* 1.

children of Israel] See *v.* 44.

when they came forth out of Egypt] An illustration of the writer's late perspective. For thus to date legislation given in Moab forty years after the actual Exodus, was not possible for Moses himself or for a writer contemporary or nearly contemporary with him; but only for one viewing the whole progress of Israel from Egypt to the Promised Land from a very distant standpoint.

46. *beyond Jordan*] See i. 1.

the valley over against Beth-peor] iii. 29.

whom Moses and the children of Israel smote, etc.] This part of *v.* 46 and *v.* 47 are, of course, superfluous after chs. ii. and iii. But their superfluity does not necessarily prove that they were placed here *before* i. 6—iii. was prefixed to chs. v. ff. For *vv.* 48 f. are based on ch. iii.

47. *toward the sunrising*] See *v.* 41.

48, 49. *from Aroer*, etc.] These two *vv.* are a summary, with one addition, of what has been narrated in ii. 36, iii. 8, 17, *q.v.*

Aroer, which is on the edge of the valley of Arnon, even
49 unto mount Sion (the same is Hermon), and all the Arabah beyond Jordan eastward, even unto the sea of the Arabah, under the [1]slopes of Pisgah.

[1] Or, *springs*

mount Sion] Still another name for Hermon (see iii. 9), confirmed by LXX. The Pesh. *Sirion* is probably derived from iii. 9. The Heb. Si'ōn (not to be confounded with the Jerusalem Ṣiyyon, A.V. Zion) means *elevation*.

eastward] *ad orientem*, P's equivalent for D's *towards the sunrising*. See *v.* 41.

B. Chs. V.—XI. The Second Discourse Introductory to the Laws.

This discourse is characterised throughout by emphasising, as the foundation of everything, Israel's relation and duty to Jehovah their God. Without love, fear, and loyalty towards Him, without a knowledge of what He is and has shown Himself to be in their experience, without a grateful remembrance of what He has done for them in Egypt and the wilderness, and an equal sense of their utter dependence upon Him for the blessings of the Land to which He is bringing them—without in short a jealous guarding of their heart in reverent awe and warm, undivided affection to Himself—they cannot keep His Laws with any constancy or power. It is the warmth and singleness of aim with which this spiritual theme is pursued that weld these chapters into a unity. There are, however, not only many small intrusions by the hands of editors, interrupting what is the particular theme of the discourse for the moment (on these see notes to separate verses), but signs that the main body of the discourse has been compiled from more than one source. Throughout the Sg. and Pl. forms of address succeed each other for longer and shorter sections; and these sections are at the same time marked by certain differences of subject, of attitude and temper, and of language. The two principal sections in the Pl., chs. v. and ix. 7*b*—x. 11, are mainly historical and retrospective; and the former includes the Decalogue in the Sg. as obviously a quotation. The Sg. sections which form the bulk of the discourse are mainly, though not exclusively, hortatory; and it is they alone which dwell on the beauties and blessings of the Land, to which Israel is coming. For further details of the distinction between the two, see the separate notes; and for the general questions raised see the Introduction, § 8.

Ch. V. Prologue to the Second Discourse introductory to the Laws.

This chapter is fairly complete in itself; and—apart from its quotation of the Decalogue—carries throughout the Pl. form of address, whereas

immediately after it in ch. vi. a change is made to the Singular, which then prevails for several chapters. On these grounds and because the subject is peculiar to itself Bertholet takes ch. v. as a separate discourse designed—perhaps for a 'people's edition' of the deuteronomic code—to correlate the Decalogue with that code. But there is no reason why such a design should not have been carried out by the authors of the Code, whose scope included history as well as legislation. Steuernagel, who analyses v.—xi. into two documents, one in the Pl. address and mainly historical, and one in the Sg. and mainly hortatory, takes ch. v., of course, as belonging to the former.

Moses (no date or place is given, but the discourse is under the title iv. 45—49 which gives both) summons Israel to hear laws which he has to speak to them (*v.* 1). But first he tells them of the origin of these (which is also alluded to in iv. 11—14). He reminds them that at Horeb and with the present generation (this in contradiction to ii. 14 f.), God had made a covenant, addressing them directly out of the fire (while Moses stood between to declare the purport of the awful Voice) (2–5). The words of that covenant were the Ten Words which he now quotes (6—21). To these, spoken to the whole Assembly, God added no more but wrote them on two tables of stone (22). Moses witnesses that having heard the voice of God and being still alive the people had yet feared that the fire would consume them and if they heard any more they would die (23—26); that they had begged him to go near and hear for them what God had still to say, promising their obedience to it (27). Hearing their words God had directed Moses to dismiss them to their tents (28—30), but himself to stay and receive a command, statutes and judgements to teach the people to do in the land He was about to give them (31). Instead of immediately announcing these commandments, uttered to himself alone at Horeb, he first exhorts the people to obey them (32 f.).

This narrative is expanded, with some alterations of terminology, from the fragments of E concerning the theophany and publication of the Decalogue on Horeb; Ex. xix. 15, 17, 19; xx. 1—21. (For the evidence that in Ex. xix. and xx. two accounts of the theophany at Horeb have been mingled and for the discrimination of E from J see Driver's *Exod.* 168 ff. and W. R. Smith, *OTJC*², footnote on 336.) E states that God descended on Horeb in thunder and lightning (D with fire and darkness) and agrees with D (but see below) that the Decalogue was then pronounced from the mount in the hearing of all the people, that fearing death they begged God might speak to Moses and not to themselves, and that Moses drawing near received additional laws. Then there is a great difference. In E the laws communicated to Moses alone are presumably the so-called Book of the Covenant which immediately follows, xx. 22—xxiii. 33; in D they are, it is evident, the deuteronomic Code xii.—xxvi., not revealed by Moses till the people were in Moab 38 years from the time they had been at Horeb. The interesting suggestion is made by Kuenen that originally E had similarly assigned the publication of the 'Book of the Covenant' to the time in Moab, but when that Code was replaced by the deutero-

5 And Moses called unto all Israel, and said unto them,
Hear, O Israel, the statutes and the judgements which I speak
in your ears this day, that ye may learn them, and observe
2 to do them. The LORD our God made a covenant with us in
3 Horeb. The LORD made not this covenant with our fathers,
but with us, even us, who are all of us here alive this day.
4 The LORD spake with you face to face in the mount out of

nomic legislation, it was removed to the account of the occurrences at Horeb.

1. *called unto*] i.e. summoned together. So rightly LXX.

all Israel] D's characteristic phrase for the people: see iv. 44.

Hear, O Israel] The verb is the only Sg. in this Pl. passage. So in the same association in other Pl. passages: iv. 1, xx. 3 (cp. i. 8).

the statutes and the judgements] also characteristic of D.

observe to do] also characteristic of D; occurring some 20 times both with Sg. and Pl.; but many of the instances are editorial.

2. *covenant*] See iv. 13.

3. *not...with our fathers*] Rather, *forefathers*, i.e. the Patriarchs—'those great Grandfathers of thy Church[1]'—with whom, however, D recognises a previous covenant, iv. 31, vii. 12, viii. 18. The immediate fathers of the generation had all passed away before the entry into Moab, according to ii. 14 f. Here it is said emphatically that those with whom the covenant at Horeb had been made were still *all—us, all of us—alive here this day*. Dillmann meets the contradiction by taking ii. 14 f. as a later gloss. Others find in it a proof of the difference of authorship between the first discourses i. 6—iv. and the present series; but this still leaves unsolved the difference within the former between i. 30 and ii. 14 f. A more probable explanation is that the speaker is made to ignore the tradition of the death of those who had been adults at Horeb (of which the author cannot well have been ignorant) for rhetorical purposes: (1) to emphasise the contrast between the Patriarchs and Israel after the Exodus; and (2) to emphasise the new responsibility which the Horeb covenant had laid on the latter, in all its successive generations. What Dillmann on i. 30 says of the previous discourse is true of this one (cp. xi. 2—7): 'In the whole discourse Moses conceives the present generation as identical with the previous one.'

4. *face to face*] i.e. person with person, without the intervention of another. The metaphor is hardly an instance of the tendency of D's style to hyperbole[2]. For although all that the people perceived was a

[1] Donne, *The Litanie*, vii.

[2] It is, however, an interesting illustration of how an O.T. writer (like so many of the prophets), while forbidding strenuously the representation of the Deity in any material form, does not hesitate to use anthropomorphisms in describing His appearances to men. Ch. iv. 12, 15 emphasise that Israel saw *no manner of form in the Mount*: while v. 4 now asserts that God spake *face to face* with the people. What is denied in fact, so as to exclude every excuse for plastic representations of the Deity, is allowed in metaphor.

the midst of the fire, (I stood between the LORD and you at 5
that time, to shew you the word of the LORD: for ye were
afraid because of the fire, and went not up into the mount;)
saying,

voice, or *sound, of words* (iv. 12), this came at first *directly* to the whole people, and it was because they feared the effect of its *directness* that they begged Moses to mediate (*vv.* 22–27). But if not a hyperbole the phrase *face to face* needs qualification—it was only with Moses that God talked (morally speaking) face to face (xxxiv. 10, Ex. xxxiii. 11); and so a qualification is given immediately in parenthesis in the next verse.

out of the midst of the fire] So in iv. 12 (but without the phrase preceding *in the mount*), 15, 33, 36; and v. 22, 24, ix. 10, x. 4.

5. (*I stood between the LORD and you ..to shew you the word*] In Heb. a circumstantial clause: *I standing between Jehovah and you at that time, in order to publish*, or *declare, to you the word*, etc.; to articulate what though *directly* declared had been in its awfulness but a sound of words (iv. 12). It is impossible to say whether this qualification is original or from a later hand.

at that time] See on i. 9.

'THE TEN WORDS.'

In this series—see Driver, *Exodus*, 191 ff.; cp. Chapman, *Introd. to the Pent.* 112 ff.—the 'Ten Words' have already been introduced, analysed and annotated. But a statement of the textual data and the questions they start is necessary also here, especially with reference to the relations of the two editions (in D and E) of 'the Ten Words' to each other and to other 'Words' said (by E and J) to have been delivered at Horeb.

First, the Names for this central Hebrew code: (*a*) 'Words,' so E, Exod. xx. 1 (*all these words*); either in the broadest sense of the term *sayings, utterances*, or more specifically *words of command* or *order* as used for a king's decree, 1 Chron. xxi 4, 6, or for God's, Gen. xliv. 2, xlvii. 30 and often elsewhere. (*b*) 'The Ten Words' only in D (iv. 13, x. 4) rendered by A.V. *The Ten Commandments*, which has thus become the ordinary English title; the LXX translates more broadly τὰ δέκα ῥήματα and οἱ δέκα λόγοι, whence the single term ἡ δεκάλογος, The Decalogue, the earliest known occurrence of which is in Clement of Alexandria, *Paedagog.* III. 89, etc. (*c*) 'The Covenant,' also only in D; iv. 13 (*His covenant*), 23, v. 2 f.; cp. *tables of the Covenant*, ix. 9, 11, 15; *ark of the Covenant of Jehovah*, x. 8, xxxi. 9, 25 f.; when the same phrases occur in JE or other pre-deuteronomic writings they are to be explained as later intrusions (cp. Driver, *Exod.* 193); a fact sometimes betrayed by the disturbance of grammar which the intrusion has caused, e.g. Josh. iii. 14, 17; the deuteronomic origin

of this name can hardly, therefore, be doubted. (*d*) 'The Testimony' ('*ēdūth*), rather *attestation* or *solemn edict* (see above on *v.* 1), P's name, occurring 36 times in P and nowhere else.

Second, the Two Editions of 'the Ten Words' and their relations to each other and to other 'Words' given at Horeb:

Like so much else in D 'the Ten Words,' as revealed from God to Israel at Horeb, are also recorded in E (Ex. xx. 1 ff.), but in a form unusual in E for it contains a considerable number of deuteronomic phrases (*vv.* 2, 4*b*, 5*a*, 10*a*, 10*b*, 12*b*). It has besides a sentence (5*b*. 6) which echoes J; and another which both reflects the style of P and contains a statement found elsewhere only in P (Gen. ii. 3; cp. Exod. xxxi. 17*b*); on all these see the notes on Ex. xx. 1 ff. and the notes below.—Further, this E edition of the Ten Words is not called a 'Covenant' as in D, nor connected with a Covenant. E, however, does record a Covenant between Jehovah and Israel at Horeb, Ex. xxiv. 3–8, but associates this with other 'Words,' evidently the 'Words,' or decrees of moral and religious law, in Ex. xx. 22—26, xxiii. 10—33, which are distinct (as is now generally recognised) from the 'judgements' (*mishpatim*) or decisions in civil and criminal law, Ex. xxi.—xxiii. 9, embedded between their two groups[1]. These 'Words' show a few striking parallels to the Ten Words.

J also records a Covenant at Sinai, Ex. xxxiv. 10, based upon 'Words,' 11—27, which have been called 'a second Decalogue.' But they are rather parallel to E's Covenant words, and like them are more in number than ten. (See the notes to Ex. xxxiv.) The phrase 'ten words' in *v.* 28 is probably a gloss.

In D's edition of the Ten Words now before us we find again all the features of E's edition except the last sentence of the 4th commandment, the sentence which reflects P (another of the many facts which support the argument that P is later than D). Instead another reason is assigned to the commandment in the language, and characteristic of the humane spirit, of D. In the same commandment D has its common *keep* or *observe* for E's *remember*, and adds the clauses *as Jehovah thy God commanded thee*, *nor thine ox nor thine ass nor any of* (*thy cattle*); in the 5th it adds the phrases *as Jehovah thy God hath commanded thee* and *that it may go well with thee*; in the 9th it gives a wider term *groundless* or *vain* for E's *false*; and in the 10th it adds to and rearranges the details with a finer ethical discrimination, using two verbs for *covet* or *desire*, and putting *the wife of thy neighbour* first and by herself, distinct from the rest of his household. Further, D asserts (v. 22) in contradiction to E that the Ten Words were the only words spoken to Israel at Horeb; and adds that He wrote them on two tables of stone. Note, also, that in D the Ten Words are introduced as a quotation in the Sg. form of address in a discourse which uses throughout the Pl.

P does not record the Ten Words. The legislation which it assigns to Sinai, Ex. xxv.—xxxi. (with a variant edition xxxv.—xl.), consists of

[1] On this distinction between the 'words' and the 'judgements,' see Driver's *Exodus*, 202, 252 ff.; and the Oxford *Hexateuch*.

directions, given to Moses on the Mount and afterwards proclaimed to the people, as to the sanctuary and priesthood (see Driver on these passages). The only parallel which this legislation offers to the Decalogue is the law of the Sabbath (xxxi. 22—27, xxxv. 1 ff.). But P mentions incidentally the Testimony *which I shall give thee* (xxv. 16) and says that *God gave unto Moses when He had made an end of communing with him upon Mount Sinai the two tables of the testimony* (xxxi. 18).

Such are the principal data of the various traditions of the legislation at Sinai-Horeb. They start serious questions of literary construction and historical fact, to which several hypothetical, but no certain, answers are possible.

The question which mainly concerns us here is that of the relation of the two editions of the Ten Words in E and D. To the argument that because so much else of law and narrative in D is based on E, therefore D must also have derived the Ten Words from E, there are the following objections: (1) E's edition has not only many deuteronomic phrases, but in the 4th commandment reflects P; while D's is in style and spirit consistently deuteronomic. (2) E connects the Covenant at Horeb not with the Ten Words but with others. (3) These other Words, while offering some parallels to the Ten, are of a distinctly less spiritual character and apparently from a more primitive stage of ethical development; and it is difficult to conceive that E could have first recorded the Decalogue as given at Horeb and then based the Covenant there on other words of an inferior character. (4) Nor is it clear that E's narrative of the theophany, Ex. xix. 14–17, 19, xx. 18–21, implies that the people heard from God any articulate words at all, before Moses (because of their apprehension that God would speak directly to them) entered the darkness out of which His thunder had come and received for them the Words (Ex. xx. 22–26, xxiii. 10–33) on which the Covenant was based.

On these grounds a strong case has been made out for the hypothesis that E did not originally contain the Ten Words; that these were the work of the deuteronomic school, based on the teaching of the 8th century prophets and expressed throughout in deuteronomic phraseology; that D, while borrowing from E the tradition of a Covenant at Horeb, substituted them as the basis of that Covenant for the other words which E had connected with it, or else did not know of those other words in E, for he distinctly asserts (v. 22) that God added no others to the Ten at Horeb; and finally that a late editor, with both D and P before him, intruded the Ten Words into E repeating most of their deuteronomic phraseology, but substituting in the 4th commandment for one of D's phrases a phrase based on P. This hypothesis finds support in the substance of the Decalogue, which it is maintained is suitable for an agricultural and not for a nomadic people; and especially in the prohibition of graven images, the early date of which is difficult if not impossible to reconcile with the use of images in Israel before the 8th century and particularly in the N. kingdom in which E was composed.

All the data, however, do not thus support the hypothesis of the

priority of D's Decalogue. It may not be certain that E's *remember the sabbath-day* is earlier than D's *keep* or *observe*, nor is E's *false witness* necessarily more primitive than the wider *vain*, or *groundless*, which D employs—although they would appear to be so (with the former cp. J's *remember* in the same sense, Ex. xiii. 3). But D's form for the 10th commandment, because more developed and of a finer ethical standard, is almost certainly later than E's; and so are the additions to the 4th and 5th commandments. Further, in the E edition the name of the Deity even in association with creation is not Elohim, but Jehovah.

This, however, only leads to the further question whether behind both editions there was not an earlier and much simpler form. In both the Ten Words are of very unequal length. In the 2nd, 3rd, 4th, 5th and 10th the excesses over the others are hortatory enforcements in the language of D and in harmony with D's usual method of elaborating his materials and adding reasons and enforcements: *teaching* and *expounding* the Law to use his own terms. Remove these excesses and there remain, besides the preface, Ten Words of similar length and divisible into two tables of virtually equal size.

I am Jehovah [thy God which brought thee out of the land of Egypt out of the house of slaves].
Thou shalt have no other gods before Me.
Thou shalt not make thee a graven image.
Thou shalt not take the name of Jehovah in vain.
Remember the sabbath day to keep it holy.
Honour thy father and thy mother.
Thou shalt do no murder.
Thou shalt not commit adultery.
Thou shalt not steal.
Thou shalt not bear false witness [against thy neighbour].
Thou shalt not covet [thy neighbour's house].

To sum up—it appears necessary to postulate some such brief form of the Ten Words as prior to the editions of them in E and D on these grounds: that all of the contents of these editions which is over and above this form consists of easily separable expansions of a hortatory or explanatory character, expressed in the language and the spirit of D; and that it was the general practice of D thus to expand, refine and enforce the materials of earlier traditions. Also D treats the Ten Words as a quotation (see above).

Whether this pre-deuteronomic Decalogue was originally part of E is more than doubtful. In E there is neither room nor reason for any 'Words' at Horeb before those on which E bases the Covenant; nor any trace that the Divine voice became at all articulate before the latter were spoken. The double tradition of E and J is that the Covenant 'Words' spoken by God in Horeb-Sinai, while offering certain parallels to the Decalogue, were more primitive than this. And that excludes the only possible alternative theory, that, if these 'Words,' now associated in E with the Covenant, along with 'the judgements' that are

embedded within their two sections, were originally assigned to Israel's residence in Moab, their removal to the Horeb period (see above) displaced the Decalogue from its association with the Horeb Covenant and pushed it forward to a point in the narrative at which it has no proper connection with its context.

From the literary data, therefore, the most probable conclusion is that the Decalogue came to D from a source independent of J and E. Whether its origin was earlier than E and may even have been Mosaic or was later, and in fact the result of the teaching of the 8th century prophets, are far more difficult questions; for which answers must be sought, not in the literary forms, so much as in the substantial ideas, of the Decalogue. The theory that the Decalogue is later than E gets rid of the historical difficulties for an early date for the 2nd commandment which arise from the use of images by leaders in Israel and especially in the N. kingdom, without any rebuke from prophets before the 8th century, and for an early date for the 4th commandment as one impossible of fulfilment by, and therefore unnatural to prescribe to, a people still in the pastoral stage of culture. And if J and E's record of a more primitive form of Covenant words at Horeb be regarded as reliable this is also a reason for assigning the Decalogue to a later stage in Israel's social and ethical development. On the other hand, there are good grounds for the *possibility* of the prohibition of images as early as Moses. Not only do the 'Words' assigned by E to the Covenant at Horeb forbid gods of silver and gold (Ex. xx. 23) and by J *molten gods* (Ex. xxxiv. 17); but E and J never impute the use of images to the Patriarchs, while E (Ex. xxxii.) records Moses' anger and God's threat to destroy the people because of the golden calf which they had fashioned. More significant is the absence from all the historical records of any mention of an image in connection with the Ark, or the sanctuary at Shiloh or Gibeon or Jerusalem, or other place before the disruption of the kingdom. As to the Sabbath-law, the presumably oldest form of it is perfectly possible for a purely pastoral people; while the fuller forms, though evidently designed for an agricultural people, could not be literally observed even by them (unless the Heb. term for *work* be limited to field-work), because they continued to have flocks and herds. As for the other Commandments there is not one of them in its shorter form which makes a date for it impossible before the settlement of Israel in Canaan—not even the first commandment, for it merely forbids the worship of any gods but Jehovah (henolatry), and does not assert His sole deity (monotheism). The *possibility* of the Mosaic origin of the Decalogue is, therefore, clear so far as its ideals are concerned. The real difficulty with regard to it rests upon its superiority to the 'Words' which the other traditions describe as the laws of the Covenant at Horeb. See further 'The Date of the Decalogue,' App. IV. to Driver's *Exodus*.

From whatever source the deuteronomists derived the Decalogue it is interesting that they developed it in more than one edition. For this we shall find analogies in their practice with regard to other laws (xii.—xxvi.).

The Decalogue with its Preface has been variously arranged and divided. The LXX (cod. B) makes the commandment against adultery follow immediately on that to honour parents, thus naturally bringing together the two commandments which concern family life: in Ex. that against murder follows, but in D precedes, that against theft. In the N.T. the order varies, following the Heb. order in Matt. v. 21, 27[1] (so far as murder and adultery are concerned), xix. 18, and Mark x. 19; but the Greek of D in Luke xviii. 20, Rom. xiii. 9. The Talmud takes the Preface as the 1st commandment and the prohibitions of other gods and of images as together the 2nd, on the ground presumably that the reason annexed to the latter is equally, or even more, suitable to the former. This conjunction was accepted by Augustine and through him by the Roman and Lutheran Churches, but they keep the Preface as such and divide the 10th commandment into two (though the latter half as we have seen is not original). Philo, Josephus, Origen and other fathers, the Greek and Reformed Churches and most modern scholars divide as follows: Preface; 1, Other gods; 2, Images; 3, Name of Jehovah; 4, Sabbath; 5, Parents; 6, Murder; 7, Adultery; 8, Theft; 9, False witness; 10, Covetousness.

With regard to the scope and spirit of the Ten Words it is enough to say that they lay down the double duty of Israelites towards God and towards men: religion and morality. The duty towards God is expressed with regard to the special temptations of the people at the time—the belief that there were other gods actually existent and with divine powers and spheres of action, and the custom of worshipping the deity in images. The 1st commandment is not the expression of a pure monotheism, and it is remarkable that the deuteronomists did not expand it as well as those which follow it (but see below on *v.* 7). Yet it has been found a suitable statement, not only of the sovereignty but of the oneness of the Deity. Similarly the 2nd has been understood as a statement of His spirituality. The 3rd forbids the irreverence which is the sin equally of the ignorant and careless and of the familiar but formal worshipper. Duty towards men is covered in its main aspects in the life of the family and of society by the 5th to the 10th 'Words,' the last adding the sphere of thought and feeling to that of action detailed in the others. Between these two groups the 4th commandment forms the transition, for while it expresses man's due to God in setting apart a regular portion of time to Him, it also in its expanded form enforces that the Sabbath was equally a duty to himself, his family, and his dependents. How fine and true was the instinct of the deuteronomists in thus expanding the Sabbath-law is shown by the saying of Christ that the Sabbath was made for man, not man for the Sabbath[2].

[1] So R.V.; but A.V. following another text has the order: adultery, murder. Matthew, Mark and Luke all give the 5th Commandment after the 6th—9th.

[2] The following may be noted among the Christian expositions of the theological and ethical contents of the Decalogue. From the Roman side, Catechism of the Council of Trent, Pars III. Capp. I.—X. From the Protestant, the Larger Westminster Catechism, John Forbes ('the Aberdeen Doctor'), *Theologia Moralis*, and R. W.

I am the LORD thy God, which brought thee out of the land of Egypt, out of the house of [1]bondage.

Thou shalt have none other gods [2]before me. 7

[1] Heb. *bondmen.* [2] Or, *beside me*

For full notes on the separate verses the reader is referred to Ex. xx. 1–17. The following may be added: they are chiefly on the matter found only in Deut. or here expressed differently from Ex. xxi. 1—17.

6. 'The Preface' to the Ten Commandments: the same as in Ex. xx. 2. The phrases used, though occurring much more frequently in D, are also found (either exactly as here or with grammatical variations) in J and E (see on Ex. xx. 2); so it is difficult to say whether the original form was simply *I am Jehovah* or the long one before us. A Preface longer than each of the separate *words* is not unnatural: yet the original may have been simply *I am Jehovah thy God* as in ch. vi.

The Preface states the Lawgiver's Name, and His obligations upon Israel, 'whereby He prepares their minds for obedience[1],' by calling on their loyalty and gratitude. This tenderness of the Preface (Matthew Henry contrasts it with the awfulness of the Theophany from which it issues) and its appeal to high motives are characteristic of D. But in all the traditions of the origins of Israel's religion the note of redemption is fundamental; Grace is prior to Law, God's saving deeds to His commandments. The stress laid upon the Preface by theologians in their practical application of the Decalogue to Christianity is therefore just. The form of the Preface is similar to the opening phrases on several Semitic royal monuments: the Moabite stone, 'I am Mesha son of Kemosh'; the Byblus stele, 'I am Yehawmilk, King of Gebal, etc.'; the Sidon sarcophagus, 'I am Tabnith...King of the Sidonians, etc.' But see Driver, *Sam.*[2] p. xxiv. The prologue to the Code of Hammurabi is a record of the lawgiver's achievements.

house of bondage] **bondmen,** see on vi. 12.

7. The First Commandment as in Ex. xx. 3.

in front of *me*] a strong phrase, but of what exact degree of strength is doubtful. Literally *over against my face*, or *presence*. By D it is elsewhere (xxi. 16) taken as *in precedence*, or *preference, to*; but in Job xvi. 14 it merely means *in addition to*. Calvin regards *in preference to* as 'too frigid' here, not sufficiently exclusive of other gods; and takes the idea to be 'that God will not have companions obtruded upon Him.' Others expand 'as if to provoke Him' or 'dare Him to His face.' Unless some sense of rivalry is meant the phrase is superfluous to the rest of the commandment; and the selection of the strongest of three kindred forms (*'al-pānai*, *'eth-p.*, and *l^ephānai*) suggests some idea of *affronting* or *provoking* (cf. *v.* 9). There is no statement here as to the real existence of other gods: real or unreal Israel is not to have

Dale, *The Ten Commandments.* See also Prof. W. P. Paterson's art. 'The Decalogue,' in Hastings' *Dict. of the Bible.*

[1] Calvin.

8 Thou shalt not make unto thee a graven image, *the like-*
ness of any form that is in heaven above, or that is in the
9 earth beneath, or that is in the water under the earth: thou
shalt not bow down thyself unto them, nor serve them: for
I the LORD thy God am a jealous God, visiting the iniquity
of the fathers upon the children, and upon the third and
10 upon the fourth generation of them that hate me; and shewing
mercy unto thousands, of them that love me and keep my
commandments.
11 Thou shalt not take the name of the LORD thy God [1]in
vain: for the LORD will not hold him guiltless that taketh
his name [1]in vain.
12 Observe the sabbath day, to keep it holy, as the LORD
13 thy God commanded thee. Six days shalt thou labour, and

[1] Or, *for vanity* or *falsehood*

them. Unlike its successors this commandment is without expansion, probably because *vv. 9b*, 10 were intended to cover both the first and second commandments; unless indeed (as some suggest) they originally belonged to the first.

8—10. The Second Commandment; the differences from Ex. xx. 4—6 are very slight (Ex. has the conjunction before *any form* and omits it before *the third*) and the Versions show them to be uncertain. On the questions of date raised by the prohibition of images see above, p. 85. The substance of the commandment is very fully treated in Driver's notes on Ex. xx. 4—6, which see.

8. *any form*] See on iv. 12.

9. *a jealous God*] See on iv. 24.

10. *shewing mercy*] better, **loyal** or **true love**: cf. vii. 9, 12 *keeping covenant* and *true love* (Sg.). The Heb. term *hesed* as including both affection and constancy is peculiarly appropriate here.

11. The Third Commandment exactly as in Ex. xx. 7. On the need for this in Israel see on vi. 13.

12—15. The Fourth Commandment as in Ex. xx. 8—11 with the following differences:

12. *Observe*] A.V. *keep*, instead of *remember*, Ex. xx. 8. In D *remember* is used almost exclusively of historical facts, e.g. *v.* 15, vii. 18, viii. 2, ix. 7, xv. 15, xvi. 3; but once with God, the giver of wealth, as the object, viii. 18. *Observe* or *keep*, used of the feast of unleavened bread by E Ex. xxiii. 15, by J xxxiv. 18; the Sabbath by P Ex. xxxi. 13 f., 16, Lev. xix. 3, 30, xxvi. 2 (H); the month Abib by D xvi. 1. In Ps. ciii. 18 *keep* His covenant and *remember* His precepts are parallel.

as the LORD thy God commanded thee] not in Ex. xx. 8; cf. *v.* 16,

do all thy work: but the seventh day is a sabbath unto the 14
LORD thy God: *in it* thou shalt not do any work, thou, nor
thy son, nor thy daughter, nor thy manservant, nor thy maid-
servant, nor thine ox, nor thine ass, nor any of thy cattle, nor
thy stranger that is within thy gates; that thy manservant and
thy maidservant may rest as well as thou. And thou shalt 15
remember that thou wast a servant in the land of Egypt,
and the LORD thy God brought thee out thence by a mighty
hand and by a stretched out arm: therefore the LORD thy
God commanded thee to keep the sabbath day.

here and there a needless expansion, for it cannot refer to some previous institution of the Sabbath.

14. in it] not in Heb. text either here or in Ex., but supplied in both places by Sam. and LXX; so too in the Nash papyrus (see Driver, *Exod.* 417).

nor thy **bondman**] Ex. xx. 10 omits the conjunction. So too Sam. and LXX here.

nor thine ox, nor thine ass, nor any of thy cattle] another obvious expansion. Ex. has only *nor thy cattle*.

that thy **bondman** *and thy* **bondwoman** *may rest as well as thou*] an additional characteristic of the humane spirit of D; cf. in the Laws xii. 12, xiv. 26, 29, xv. 13 f., xvi. 11, xxiv. 14—18.

15. A different reason for the keeping of the Sabbath from that given in Ex. xx. 11. It is relevant to D's addition in the previous *v.*, and at first seems intended only to enforce the extension of the Sabbath-law to slaves, *remember thou wast a bondman in the land of Egypt and Jehovah thy God brought thee out*; but before it closes it bases the whole observance of the Sabbath on the deliverance from Egypt as if the S. were a memorial of that event—*wherefore Jehovah thy God hath commanded thee to keep the S. day*. This historical reference and the humanity enforced by it are characteristic of D. But Ex. xx. 11, under the influence of P, recites as the motive for the observance of the S. God's rest on the seventh day from the work of creation. The influence of P on Ex. proves the D form to be the more original. Note that while it enforces the philanthropic motive for Sabbath-observance it is as theological as the other, and, like it, refers to God's action as the ultimate sanction of the Sabbath.

remember that thou wast a **bondman**] The same motive is expressed for the laws enforcing liberality to slaves, xv. 15; the duty of sharing the joy of the feasts with needy dependents, xvi. 12; and justice and generosity to the poor, xxiv. 18, 22.

a mighty hand and...a stretched out arm] See on iv. 34.

to keep] lit. *to do* or *make*, i.e. to carry into effect; used by D also of the Passover, xvi. 1; more frequently in P: of the Sabbath, Ex. xxxi. 16; of the Passover, Ex. xii. 47 f.; Num. ix. 4—6, etc.

16 Honour thy father and thy mother, as the LORD thy God commanded thee: that thy days may be long, and that it may go well with thee, upon the land which the LORD thy God giveth thee.

17 Thou shalt do no murder.

18 Neither shalt thou commit adultery.

19 Neither shalt thou steal.

20 Neither shalt thou bear false witness against thy neighbour.

16. The Fifth Commandment as in Ex. xx. 12, with however two additions:

as **Jehovah** *thy God commanded thee*] See on *v.* 12.

and that it may go well with thee] Cp. *v.* 29.

giveth thee] **is giving** or **about to give.**

17—20. The Sixth to the Ninth Commandments, as in Ex. xx. 13–16, except that for the simple *not* used there, we have here *and not* = *neither*, to introduce the Seventh, Eighth and Ninth Commandments; and that in the Ninth instead of *sheḳer* = *false* of Ex. xx. 16 there is the wider term *shav'* = *vain, groundless*, as in the Third Commandment. For this term see on Ex. xx. 7; and cp. Ex. xxiii. 1 (E), where it is applied to a report or rumour.

21. The Tenth Commandment, carrying the Law from the sphere of action into that of thought and feeling, and therefore not superfluous even in so brief a summary of the Law nor after the Sixth, Seventh and Eighth Commandments (cp. Calvin, *in loco*). How necessary the Commandment is not merely as an addition to these Commandments, but as focussing the spirit of them all is clear from the experience of St Paul, who selects the Tenth Commandment to illustrate the power of the whole Law: Rom. vii. 7, 8; cf. 14, *the law is spiritual*. The nature of this Commandment renders it peculiarly susceptible of expansion (as the Sixth to the Ninth are not); details naturally offer themselves under so general a precept; and here the deuteronomists had the opportunity which they loved to use, and were upon their own ground; cp. vii. 25, where the desire for, as well as the actual appropriation of, unlawful silver and gold is forbidden. The two expanded editions of the Decalogue here exhibit the most interesting of the differences which distinguish them. Ex. xx. 17, preserving the original form of the Commandment, *Thou shalt not covet thy neighbour's house*, and repeating the verb, simply details, as upon the same level, the constituents of the house: wife, slaves, animals, all that is thy neighbour's. But this later edition in Deut. makes among these a fundamental distinction of far-reaching moral consequence; takes *the wife* first in a class by herself, then—under another verb, as if to emphasise the difference—gives the rest together; and, with the peculiar

Neither shalt thou covet thy neighbour's wife; neither 21
shalt thou desire thy neighbour's house, his field, or his
manservant, or his maidservant, his ox, or his ass, or any
thing that is thy neighbour's.

These words the LORD spake unto all your assembly in 22

regard which D has for the rural life, adds to them *the field* of thy neighbour.

covet] the same Heb. verb as in Ex. xx. 17. The rendering of the revisers is not a happy one, because though the English *covet* originally meant inordinate desire, it is now generally used with other objects than wife. The A.V. *desire* literally renders the Heb. verb, the meaning of which is neutral and has to be qualified by its object. In Ex. xxxiv. 24 of dishonest desire for land; in Dt. vii. 25 for silver and gold (cp. Jos. vii. 21, JE); Mic. ii. 2 (cp. Ahab and Naboth's vineyard) for fields and houses. But in Prov. vi. 25 it signifies lust after the beauty of women. So it should be rendered here, and so some of the older Eng. Versions render it. Similarly the ἐπιθυμεῖν of the LXX, always so in Greek when a person is the object; cp. Matt. v. 28. Kautzsch: 'verlangen tragen,' and in Josh. vii. 21, 'da gelüstete mich nach.'

thy neighbour's wife] The way in which (in contrast to Ex.) the wife is placed here first, in a class by herself, may be compared with other laws of D which aim to seek the elevation of woman, xxi. 10—14, xxiii. 13 ff., xxiv. 1 ff.

desire] Instead of the repetition in Ex. of the original verb, another verb is employed here of stronger meaning but apparently intended as only 'a rhetorical variation' (Driver) rather than as a climax. Of longing for water, 2 Sam. iii. 15; for dainties, Prov. xxiii. 3.

field] The noun *sadeh* or *sadai*, which in Heb. poetry (e.g. xxxii. 13; Judg. v. 4) appears to have the meaning of *mountain* that it has in Assyrian, and which in earlier Heb. prose (JE) means pasture ground (so too in D, xi. 15 and probably in xxi. 1, contrasted with *city*, xxii. 25, 27) uncultivated and the home of wild beasts (=*beasts of the field*), is to be taken here in its later sense of cultivated ground, and that as private property. It is so used by the prophets of the 8th cent.: Is. v. 8; Mic. ii. 2, 4. See the present writer's *Jerusalem*, I. 291.

22. The Close of the Ten Words and the writing of them.

your assembly] or *congregation*. The Heb. *kahal*, lit. *gathering*, technically used throughout the O.T. for any assembly of the people or its representatives for organised, national action: (*a*) In the earlier writings it is most usual of the solemn gathering before God of all capable of bearing arms, for consecration to war, Jud. xx. 2, xxi. 5, 8; 1 Sam. xvii. 47; similarly in E, Num. xxii. 4, where it is used by Balak of Israel ready for war against other nations; while in Ezekiel it is synonymous with army, xvii. 17, xxxviii. 4, 15. (*b*) Also of the people assembled to give their verdict or to execute justice, Jer. xxvi. 17, xliv.

the mount out of the midst of the fire, of the cloud, and of
the thick darkness, with a great voice: and he added no
more. And he wrote them upon two tables of stone, and
23 gave them unto me. And it came to pass, when ye heard
the voice out of the midst of the darkness, while the moun-
tain did burn with fire, that ye came near unto me, even all
24 the heads of your tribes, and your elders; and ye said,

15; cp. Ezek. xvi. 40; Prov. v. 14. (*c*) Also of the whole organised commonwealth or congregation of Israel, Mic. ii. 5; and in the deuteronomic laws, xxiii. 1, 2, 3, 8. But D specially applies the term to the gathering of Israel to the Covenant at Horeb, so here (cp. the use of the verb in iv. 10), *the assembly, the day of the a.* ix. 10, x. 4 (Pl.), xviii. 16 (Sg.). In the laws xxiii. 1, 2, 3, 8 (Sg.) it is called *the a. of Jehovah*. To this assembly P, which also uses *kahal*, applies his more favourite term *'edah, congregation of the sons of Israel*, Ex. xxxv. 1, 4, 20 (a term never used in JE or D, but occurring over 100 times in P, which also sometimes combines the two, cp. Prov. v. 14). Otherwise deuteronomic writers use *kahal* only of peaceful gatherings of the people; to hear the Song of Moses, xxxi. 30; to hear the Law read at Shechem, Josh. viii. 35; and for the consecration of the Temple, 1 Kgs viii. 14, 22, 55 (1 Kgs xii. 3 is a doubtful instance; LXX omits it). For the post-exilic use of *kahal* and *'edah* see the present writer's *Jerusalem*, i. 380 ff.

fire...cloud...darkness...] See on iv. 11. Sam. and LXX add *darkness* before *cloud*. The comparison of E, Ex. xx. 18—21 is very instructive: *thunderings, lightnings, mountain smoking*.

with a great voice] E, *the voice of the trumpet*.

and he added no more] On this contradiction of E see above, p. 83.

two tables of stone] So iv. 13, ix. 9—11, x. 1, 3; *the tables of the covenant*, ix. 9, 11, 15; J, *two tables of stone*, Ex. xxxiv. 1, 4; E, *tables of stone*, Ex. xxiv. 12, xxxi. 18*b*; P, *two tables of the testimony*, Ex. xxxi. 18*a*, xxxii. 15*a*, xxxiv. 29. The statement of the writing of the tables is not really an anticipation of ix. 9 ff. and therefore to be deleted as secondary (Steuernagel), but is necessary here for the completion of the record of the Decalogue. See on ix. 9 ff.

23—27. The people, fearing the fatal effect of hearing God's voice directly, request Moses to act as mediator. See Ex. xx. 19—21, E, a much simpler form of the narrative, but containing in *v.* 20 a saying of Moses not repeated here.

23. *ye came near unto me*] i. 22.

even all the heads of your tribes, and your elders] Perhaps a gloss (so Dill., Steuern., Beth.), for *v.* 24 continues *and ye* (not *they*), and through the rest of the section the people as a whole are addressed.

24—26. See on iv. 33. It was contrary to expectation that the people survived the voice of God: they would not repeat the risk.

Behold, the LORD our God hath shewed us his glory and his greatness, and we have heard his voice out of the midst of the fire: we have seen this day that God doth speak with man, and he liveth. Now therefore why should we die? for 25 this great fire will consume us: if we hear the voice of the LORD our God any more, then we shall die. For who is 26 there of all flesh, that hath heard the voice of the living God speaking out of the midst of the fire, as we have, and lived? Go thou near, and hear all that the LORD our God 27 shall say: and speak thou unto us all that the LORD our God shall speak unto thee; and we will hear it, and do it. And the LORD heard the voice of your words, when ye 28 spake unto me; and the LORD said unto me, I have heard the voice of the words of this people, which they have spoken unto thee: they have well said all that they have spoken. [1]'Oh that there were such an heart in them, that 29 they would fear me, and keep all my commandments always,

[1] Or, *Oh that they had such an heart as this alway, to fear me, and keep all my commandments, that &c.*

24. *his greatness*] See iii. 24.

26. *flesh*] Emphatic; it cannot endure immediate contact with spirit (Is. xxxi. 3).

the living God] Rather, **a** *living God*, cp. iv. 33. The phrase always occurs in the O.T. without the article even when as in 1 Sa. xvii. 26, 36, and Jer. xxiii. 36 it is *the* living God who is meant. In Jer. x. 10 it is indefinite as here. These are all the instances of this form. Kindred forms in Jos. iii. 10 indefinite; Ho. ii. 1, 2 Kgs xix. 4, 16 definite.

27. *Go thou near*] The technical term for approach to the Deity, and to His representatives (*v.* 23 and i. 22). E, using another verb, has *and Moses drew near* (Ex. xx. 21). For the rest of the verse E has simply *Speak thou with us and we shall hearken* (Ex. xx. 19).

28—30. Jehovah approves the people's request and dismisses them to their tents. E simply, *the people stood afar off* (Ex. xx. 21).

28. *And* **Jehovah** *heard the voice of your words*] i. 34.

they have well said] xviii. 17. Yet—

29. *Oh that there were such an heart in them*, etc.] *heart* is in antithesis to the *said* and *spoken* of the previous verse. Approving their present mood as evinced in their words, God doubts its constancy.

all my commandments] Sam. and LXX omit *all*.

always] Heb. *all the days*. One of the many points of similarity between Hosea and Deut. is doubt, if not of the sincerity, yet of the

that it might be well with them, and with their children for
30 ever! Go say to them, Return ye to your tents. But as
31 for thee, stand thou here by me, and I will speak unto thee
all the commandment, and the statutes, and the judgements,
which thou shalt teach them, that they may do them in the
32 land which I give them to possess it. Ye shall observe to
do therefore as the LORD your God hath commanded you:
33 ye shall not turn aside to the right hand or to the left. Ye

constancy, of the nation's feeling of repentance or obedience; cp. Hos. v. 15—vi. 3, Israel's repentant prayer, with vi. 4—6, God's rejection of it: *your goodness is as a morning cloud and as the dew that goeth early*. See on i. 41. Both the prophet and D insist upon *heart* in religion.

that it might be well with them] *vv.* 16, 33. iv. 40.

31. Moses is commanded to stand by God in order to receive other laws (than the Ten Words) to teach the people subsequently.

all the commandment] or *charge*; Heb. *miswah*. '"The (or this) commandment" recurs vi. 1, vii. 11, xxx. 11; with "all," vi. 25, viii. 1, xi. 8, 22, xv. 5, xix. 9, xxvii. 1 (of a special injunction), xxxi. 5. As xi. 22, xix. 9 show, it denotes the deuteronomic legislation generally (esp. on its moral and religious side) viewed as the expression of a single principle, the fundamental duty of vi. 5' (Driver); yet it is also possible to interpret it here, as in xi. 22, xix. 9, of the principles underlying the laws and expounded in this discourse. See below on vi. 1.

the statutes, and the judgements] With Sam. omit the preceding *and*. *The statutes and judgements* (the usual deuteronomic phrase) are thus the contents or detailed applications of the Miswah, the separate laws to be subsequently given in Moab on the eve of the people's entrance to the promised land (as the rest of the verse declares), and which are contained in chs. xii.—xxvi.

the land which I give them] Rather, **am about to** *give them*. So without addition iv. 1, xi. 17, in the Pl. address, and xv. 7, xviii. 9, xxvi. 2, xxvii. 2, 3, xxviii. 8, 52, all passages in the Sg. address. With the addition *to possess it* as here, iii. 18 (*hath given*), Pl.: ix. 6, xii. 1, xvii. 14 (*shalt possess*), xix. 14, all Sg. (except perhaps xii. 1, which is doubtful). With the addition *for an inheritance*, iv. 21, xv. 4 (+*to possess it*), xix. 10, xxiv. 4, xxv. 19, xxvi. 1, all Sg. Cp. xii. 10 *causeth you*, xix. 3 *causeth thee, to inherit*.

32, 33. Exhortations to obey this new charge: a number of characteristic deuteronomic formulas. Because of this and specially because of the phrase *which Jehovah your God has commanded you*, these verses are taken by some to be a later addition. Yet it was surely quite logical for the writer of the rest of the chapter to put the phrase in Moses' mouth in Moab, because God had already at Horeb charged him with these laws; the phrase does not imply their previous publication.

ye shall not turn aside, etc.] xvii. 11, 20, xxviii. 14, and in deuteronomic passages in other books; cp. ix. 2.

shall walk in all the way which the LORD your God hath commanded you, that ye may live, and that it may be well with you, and that ye may prolong your days in the land which ye shall possess.

the way which **Jehovah** *your God* **has** *commanded you*] that is through me and which I am now about to show you. The phrase is also found ix. 12, 16, xi. 28, xxxi. 29 (all Pl.), and in xiii. 5 (Sg.). *To walk in His ways*, viii. 6 (Sg.), xi. 22 (Pl.). Buhl (*Sozial. Verhältn. der Isr.* 9) remarks on the suitability to nomads of this metaphor; but surely it was equally suitable for peasants. No inference as to date can therefore be drawn from it. Cp. in the N.T. ἡ ὁδός Acts ix. 2, xix. 9, 23, xxii. 4, and the Koran Sur. 1.

live] iv. 1.

may be well with you] *vv.* 16, 29, iv. 40.

prolong...days] used both in Pl. here and in iv. 26 (cp. xxx. 18), xi. 9, xxxii. 47, and in Sg. iv. 40; *that thy days may be long*, v. 16, vi. 2, xxv. 15; cp. xxii. 7.

Ch. VI. 1—25. The Fundamental Principles of the Law: God's Nature and Israel's Duty.

Moses continues his discourse: After stating that he has now to give Israel the Charge (Miṣwah) given to him in Horeb, and statutes and judgements for observance in the promised land (1); Moses explains the motives for these: the fear of God and the benefits to be derived from observing them (2 f.). Follows the solemn enunciation of the basal principle, the oneness of Jehovah, and Israel's basal duty: undivided love to Him (4 f.). Therefore these words which he is about to give must ever be in the people's heart and mind and be diligently taught to their children (6—9). Especially must Israel not yield to that temptation to forget Jehovah, to which the people will be exposed among the material blessings of the land whither He brings it (10—12); nor go after the gods of that land; else He will destroy Israel (13—15). Israel must not try Him as at Massah, but diligently keep His laws, in order that it may be well with them, and entering the land they may possess it and see their enemies thrust out before them (16—19). When in future the children ask the meaning of these laws, their origin must be explained as the great deliverance from Egypt. Then was the nation born; by these laws it lives. Then Jehovah revealed His grace; these are to establish the fear of Him upon His people (20—25).

The construction of the ch. starts difficult questions as to its unity: for the same puzzling phenomena meet us here as elsewhere—the double forms of address Sg. and Pl., with the rapid transitions between them, and the accumulation of the usual deuteronomic formulas. Do the former indicate two sources? Or do both prove that editorial hands have expanded the discourse? On the possible answers see the notes.

6 Now this is the commandment, the statutes, and the judgements, which the LORD your God commanded to teach you, that ye might do them in the land whither ye go
2 over to possess it: that thou mightest fear the LORD thy God, to keep all his statutes and his commandments, which I command thee, thou, and thy son, and thy son's son, all

1. Not a fresh title, marking the beginning of a separate discourse, but the natural continuation of the discourse from the previous ch. and still couched in the Pl.

And *this is*] The conjunction not merely continues the discourse, but has an antithetic force, therefore not too strongly rendered *now* by A.V. and R.V. What *at that time* in Horeb was delivered to Moses himself (as described in v. 31) he *now* in Moab proceeds to present.

this is the commandment, the statutes, and the judgements] LXX *these are the commandments*, but Sam. confirms Heb., which is the more probable. Because *this*, not *these*, is used, and because the separate laws do not come till ch. xii., the words *statutes and judgements* are regarded by some as an editorial intrusion. But this is not certain: *this* with three objects following, and two of them in the plural, is grammatically possible in Heb., and Moses was now about to declare to the people in Moab not only the Charge or Miṣwah, but the statutes and judgements as well. The point is not important. What is clear is that Miṣwah or Charge (see v. 31) is the enforcement of general principles underlying the Law, which proceeds till the end of ch. xi. For after this discourse is finished, the title in xii. 1, where the separate laws at last begin, drops the term Miṣwah and reads only *these are the statutes and the judgements*. Cp. Westphal, *Sources du Pent.* II. 111.

whither ye go over to possess it] A formula distinctive of the Pl. passages occurring, besides here, iv. 14, xi. 8, 11; whereas when the Sg. passages use the verb *go over* they add *the Jordan*, ix. 1, xxx. 18, but elsewhere prefer the equivalent phrase, *the land whither thou art entering* (or *thou art entering the land*), vi. 18, vii. 1, ix. 5, xi. 10, 29, xii. 29, xviii. 9, xxiii. 20, xxviii. 21, 63, xxx. 16. The only verse in which this phrase occurs with the Pl. is iv. 5 *b* (*q.v.*); while iv. 1 (Pl.) gives a variation.

2, 3. Transition to the Sg. with a somewhat loose accumulation of common deuteronomic formulas; on these grounds regarded by some as an editorial addition. This is not certain, but very probable. Omit *vv.* 2, 3, and *v.* 4 follows naturally on *v.* 1 as the beginning of the Miṣwah, but couched, like the Decalogue in ch. v., in the Sg. At the same time all of *vv.* 2, 3 need not be editorial. Note that the one Pl. clause they contain is not a common formula.

2. *fear* **Jehovah** *thy God*] x. 12, 20.

all his statutes and his commandments] Note the variation from *v.* 1.

which I command thee] **am about to command thee.**

the days of thy life; and that thy days may be prolonged.
Hear therefore, O Israel, and observe to do it; that it may 3
be well with thee, and that ye may increase mightily, as the
LORD, the God of thy fathers, hath promised unto thee, in
a land flowing with milk and honey.

that thy days may be prolonged] See on v. 33.

3. *observe to do*] See on v. 1.

that ye may increase mightily] A partial return to the Pl., and, with such a verb, logical and natural. The phrase is not found elsewhere. This therefore may not be a mere editorial echo. But the idea of the multiplication of the people as a Divine blessing is constant in Deut. as in other O.T. writings. In their world of war all Semitic tribes naturally prayed for large numbers. Cf. Doughty on the Arabs: 'the soul of them is greedy first of their proper subsistence and then of their proper increase.'

the God of thy fathers] i. 21, xii. 1, xxvii. 3; *of your f.*, i. 11, iv. 1, cp. xxix. 25. So E, Ex. iii. 15 and J, Ex. iii. 16.

unto thee...a land, etc.] The construction is defective: *in* supplied by R.V. is not in the Heb. LXX adds *to give thee*, which affords a good connection and is probably original; as the eye of a Heb. scribe may easily have confused the first and second *thee*'s.

a land flowing with milk and honey] found in J and E and in both the Sg. and Pl. passages of Deut. For a list of the instances, and the meaning of the phrase, see on Ex. iii. 8. 'Only where rich wells or running water produce sufficient pasture for the whole year, is it possible always to get fresh milk; and therefore the desert-dweller dreams of such regions in which water and in consequence milk always flows.' 'On long marches mothers comfort their weeping children thus: I will give you milk and honey' (Musil, *Ethn. Ber.* 154, 158).

4—9. The Essential Creed and Duty of Israel, with enforcement of them. Known from its initial word as The *Shĕma'* (=*Hear*), this section (along with xi. 13—21 and Nu. xv. 37—41) 'has been for many ages the first bit of the Bible which Jewish children have learned to say and to read, just as it has for many ages formed the confession of faith among all members of the brotherhood of Judaism' (C. G. Montefiore, *The Bible for Home Reading*, Pt I. 127). The later law required its recital by a Jew twice daily; for particulars see Schürer, *Gesch. des jüd. Volkes*, § 27 and Appendix (3rd Germ. ed. II. 459 f.; E.T. Div. II. Vol. II. pp. 77, 84). The LXX inserts before it a longish title[1], which shows how late this editorial practice of inserting titles to important sections of Deut. continued, and explains some similar headings in the Heb. text.

[1] 'And these are the statutes and the judgements which the LORD commanded to the children of Israel, when they were coming out of the land of Egypt.'

4 Hear, O Israel: [1]the LORD our God is one LORD: and
5 thou shalt love the LORD thy God with all thine heart, and

[1] Or, *the LORD our God, the LORD is one* Or, *the LORD is our God, the LORD is one* Or, *the LORD is our God, the LORD alone*

4. *Hear, O Israel*] So ix. 1, xx. 3, and similarly iv. 1, vi. 3: and nowhere else in the Hexateuch. The Sg. is to be explained as in v. 1; but the continuance of the Sg. through the rest of this section is (especially if it is to follow immediately on *v.* 1, see above) analogous to the appearance of the Sg. of the Decalogue in a Pl. context. There, as here, Moses uses the Pl. address for his own words, but quotes what God gave him at Horeb in the Sg.

the LORD our God is one LORD] As the R.V. marg. shows, this is one of four possible translations of the elliptic Hebrew: *Jehovah our-God, Jehovah One.* The other three are: *Jehovah our God, Jehovah is One*: *Jehovah is our God, Jehovah is One*; *Jehovah is our God, Jehovah alone.* But the four are resolvable into these two: First, *Jehovah our God is One*, an expression of His unity, appropriate at a time when we know from Jeremiah that by the multiplication of His shrines the people of Judah conceived Him, as Baal or Ashtoreth was conceived, not as One, but as many deities with different characteristics and powers over different localities, cp. Jer. ii. 28. Second, *Jehovah is our God alone*: i.e. Israel's *only* God, cp. Zech. xiv. 9; Song of Songs vi. 9: 1 Chron. xxix. 1. These passages are all post-exilic, and in the first two *one* may mean *unique*, but that here it means *only* (for Israel) is probable from the following verse. Some interpreters take the verse as 'a great declaration of monotheism' (so Driver). But had that been the intention of the writer the clause would have run 'Jehovah is *the* God, Jehovah alone.' The use of the term *our-God* shows that the meaning simply is Jehovah is *Israel's only God.* Nothing is said as to the existence or non-existence of other gods, and the verse is therefore on an equality with v. 7, the First Commandment, and with vii. 9, which implies no more than that Jehovah is *a* or *the* God indeed; cp. the curious iv. 19*b* which seeks to reconcile His sovereignty with the fact that other gods are worshipped by other nations. Only in iv. 35, 39 does an explicit declaration of monotheism appear in Deut.; it is to be remembered, however, that on other grounds the post-exilic date of these verses is possible[1]. At the same time the phrase used here lends itself readily to the expression of an absolute monotheism, which later ages of a wider faith read into it. It is interesting to compare with our verse St Paul's statement 1 Cor. viii. 4—6; *we know that no idol is* anything *in the world and that there is no God but one; for though there be that are called gods...; as there be gods many and lords many, yet to us there is One God, the Father, of whom are all things.* Note even here *yet to us*!

5. *and thou shalt love* **Jehovah** *thy God*] Love, mentioned in JE as

[1] This is not meant to imply that some in Israel had not thrown off belief in the reality of other gods before the Exile. Jeremiah certainly had: e.g. ii. 11.

with all thy soul, and with all thy might. And these words, 6
which I command thee this day, shall be upon thine heart:
and thou shalt teach them diligently unto thy children, and 7

an affection between human beings (father and son, husband and wife, slave and master) and in H as a duty both to neighbour-Israelites and to strangers (Lev. xix. 18, 34), is never in the Hexateuch described as entering into the relation of man to God except in D and deuteronomic passages, where it is enforced with impressive frequency and fulness as the fundamental religious duty; in the deuteronomic expansion of the Decalogue Ex. xx. 6 = Dt. v. 10; cp. vii. 9, also x. 12, xi. 1, 13, 22, xiii. 3, xix. 9, xxx. 6, 16, 20 (of which only xi. 13, 22 and xiii. 3 are Pl.), and the deuteronomic passages Josh. xxii. 5, xxiii. 11. It must be noted that prophecy had already used the term ethically (Am. v. 15 *love the good*) and religiously, for Hosea, besides frequently emphasising God's love to Israel (iii. 1, ix. 15, xi. 1, 4, xiv. 4), and in terms so warm as to inevitably excite their love to God, describes also the relation of men to their gods as one of love and calls Jehovah the husband of Israel (ii. 7, 13, ix. 10). In this also, therefore, we may venture to see Hosea's influence on D, but D has developed it with an originality and fulness that are very conspicuous and potential in the O.T. and in the N.T. still regarded as final. To D love to God is the distinctive mark of His true worshippers, Israel's necessary response to His mercies especially in redeeming them from Egypt (cp. *We love Him because He first loved us*, 1 Jo. iv. 19), their central obligation, motive and power to keep His laws; in Christ's words, the first of all the Commandments (Mk xii. 29 f.). See further on Ex. xx. 6.

with all thine heart, and with all thy soul] a favourite phrase in D. See on iv. 29 for meaning and list of instances. Here is added *with all thy might*, as in 2 Kgs xxiii. 25. 'The One God demands the whole man' (Smend, *Rel. Gesch.*[2] 286).

6—9. Further enforcement of this creed and duty.

6. *these words* **with which I am charging** *thee this day*] Elsewhere the phrase in whole or part refers to the whole discourse of Moses (e.g. xi. 18), but here it must mean the two preceding verses as the essence of the law.

shall be upon thine heart] xi. 18, *lay up in your heart and in your soul*; Jer. xxxi. 33, *I put my law in their inward parts and write it upon their hearts*. As the heart was the seat of the practical intellect, this means to commit them to memory; but with a conscience to do them.

7. *teach them diligently*] lit. *whet* or *sharpen*, xxxii. 41; make incisive and impress them on thy children; rub them in, Germ. einschärfen. The Eng. metaphorical use of 'sharpen' or 'whet' ('whet on,' 'whet forward') has usually for object the mind, not the material employed on it. Yet cp. Shakespeare's

> 'Thou hid'st a thousand daggers in thy thoughts,
> Which thou hast whetted on thy stony heart
> To stab at half-an-hour of my frail life.'

shalt talk of them when thou sittest in thine house, and when thou walkest by the way, and when thou liest down,
8 and when thou risest up. And thou shalt bind them for a sign upon thine hand, and they shall be for frontlets between
9 thine eyes. And thou shalt write them upon the door posts of thy house, and upon thy gates.
10 And it shall be, when the LORD thy God shall bring thee

unto thy children] So not only in D, *v.* 20, iv. 9, xi. 19, but also J, Ex. xiii. 8, etc.

talk of them, etc.] xi. 19. With LXX and Sam. read **the** for *thine* before *house*.

8. *thou shalt bind them for a sign...for frontlets*, etc.] See for the exact meanings the notes on Ex. xiii. 9, 16. As there, so here probably the injunction is to be taken metaphorically and not literally, as the later Jews understood it, though they carried it out not by tattooing, which seems the meaning here, but by writing these words as well as xi. 15—21 and Ex. xiii. 1—10, 11—16 on small parchment rolls, enclosing them in metal covers, and wearing them, bound on the arm and brow, at morning prayer. They are called in late Hebrew *t^ephillin* and in the N.T. φυλακτήρια. See *E.B.* 'Frontlets.'

9. *door posts*] It was the custom of the ancient Egyptians to inscribe on lintels and door-posts sentences of good omen (Wilkinson-Birch, *Anc. Egyptians*[2], I. 361 f.); but we are not to infer that it was thence derived by the Hebrews (Driver), for it was the custom too in the Semitic world (for two inscribed tablets from Assyria in Brit. Mus. see King, *Z.A.* XI. 50) and prevails among modern Egyptians (Lane, *Mod. Egypt.* ed. 1896, 262 f.), and among the fellahin of Hauran, who in their belief in the magical efficacy of the written word will place the most inappropriate ancient Greek inscriptions (tombstones and the like) above or beside their doors, sometimes upside down! Later Jews have given the name *m^ezuzah* (= door-post) to the small metal box or skin-bag containing the above inscription and hung on the right-hand door-post inside. As he enters the pious Jew touches or salutes it (Driver, *i.l.*). It is not necessary to interpret even this verse in so literal a sense (Driver); even this the deuteronomist may have intended to be metaphorical (Marti in Kautzsch's *Heil. Schr. des A.T.*).

10—15. The chief temptations to forget the duties just enforced will meet Israel when they enter upon the enjoyment of the civilisation of the land they are about to reach: a civilisation to which they have not contributed, and which they may be moved to impute to other gods than their own who is bringing them to it. The relevancy of this section to the preceding, and their close connection, are clear.

10. *And it shall be, when* **Jehovah** *thy God shall bring thee into*, etc.] A formula partly derived from J (Ex. xiii. 5, 11, *the land of the Canaanite*), but varied by D, which adds *thy God* and otherwise

into the land which he sware unto thy fathers, to Abraham, to Isaac, and to Jacob, to give thee; great and goodly cities, which thou buildedst not, and houses full of all good things, 11 which thou filledst not, and cisterns hewn out, which thou hewedst not, vineyards and olive trees, which thou plantedst not, and thou shalt eat and be full; then beware lest thou 12 forget the LORD, which brought thee forth out of the land of Egypt, out of the house of bondage. Thou shalt fear the 13 LORD thy God; and him shalt thou serve, and shalt swear

characteristically expands it. Similarly vii. 1, xi. 29. See also iv. 38, vi. 23, viii. 7, ix. 4, 28, xxxi. 20, 21.

which he sware] i. 8. Thus in the forefront of the warning not to yield to the worship of the gods of their new land the fact is emphasised in solemn phrases that it is Jehovah who brings them into it.

11. *and houses...and cisterns...vineyards and olive trees...*] With Sam. and LXX omit *and* before *houses* and *cisterns*. Such things form the principal wealth of the *cities*, better **towns**, of *v.* 10. That grain and flocks are not also mentioned (as in xxxii. 14) is not surprising. The description is a summary one; it is an agricultural civilisation to which Israel is succeeding, and in the agriculture of the W. Palestine hills fruit-trees were more valuable than either wheat or barley, and also their value was more dependent on the labour of previous generations.

and thou shalt eat and be full] viii. 10, 12. xi. 15, xxxi. 20; cp. xiv. 29, xxvi. 12, xxxii. 15 (LXX).

12. *beware*] *give heed to thyself* or *be on guard with respect to thyself*, apparently a common phrase from one person to another, Ex. x. 28 (J), etc.; addressed to Israel in the editorial passage, Ex. xxxiv. 12 and frequently in D: iv. 9. viii. 11 (both followed, as here, by *lest thou forget*), xii. 13, 19, 30. xv. 9, all Sg. and in the Pl. iv. 23, xi. 16 (cp. iv. 15).

which brought thee, etc.] Once more an emphasis on the providence of Israel's God.

house of **bondmen**] So in J, Ex. xiii. 3, 14; in Deut. only in Sg.: v. 6, vi. 12, vii. 8, viii. 14, xiii. 5, 10; the slaves' quarter (ergastulum).

13. *him shalt thou fear...serve...swear by his name*] Intended to cover the whole sphere of religion: the spiritual temper (on the frequent enforcement of the fear of God and its meaning see on iv. 10); acts of worship (the Hebrew term, though technically used of these, may cover other duties as well, see Driver, *i.l.* and cp. on x. 12); and loyalty to God in all one's intercourse by word and deed with one's fellows. The reason for this last, which to our ears sounds strange in so brief a summary of religious duty, is clear. All the details of life are more explicitly connected with religion by primitive man than by ourselves. He naively and constantly appeals to his god for the truth of his state-

14 by his name. Ye shall not go after other gods, of the gods
15 of the peoples which are round about you; for the LORD thy God in the midst of thee is a jealous God; lest the anger of the LORD thy God be kindled against thee, and he destroy thee from off the face of the earth.
16 Ye shall not tempt the LORD your God, as ye tempted
17 him in Massah. Ye shall diligently keep the commandments of the LORD your God, and his testimonies, and his statutes,
18 which he hath commanded thee. And thou shalt do that

ments and the honesty of his business transactions. So was it in the Israel of the deuteronomists' time, Jer. v. 2. Thus a man's oaths were in his everyday life the profession of his faith. If he swore by Baal, Baal was his god. Hence the need of the command to Israel here and in Jer. iv. 2, xii. 16. It is the duty of carrying out one's religion into the momentary details of life. Hence, too, the definition of Jehovah's true worshipper as *he that sweareth by Jehovah*, Ps. lxiii. 11. But hence also the need for the presence among the Ten Commandments of one not to take Jehovah's name in vain. For the practice, however sincere in its origins, was terribly open to abuse, and was (and is) abused among Semitic nations beyond all others. Of the modern Arabs Doughty says, 'they all day take God's name in vain (as it was perhaps in ancient Israel), confirming every light and laughing word with cheerful billahs,' and 'they will confirm any word with an oath' (*Ar. Des.* I. 265, 269). So Christ commanded, *swear not at all.*

14. *Ye shall not go after other gods*, etc.] only states explicitly what is implicit in the preceding verses. As it is superfluous and introduces the Pl. form into a Sg. context, it may be confidently regarded as an editorial addition. *Other gods*, specially characteristic of D and deuteronomic passages in the Hexateuch, occurs some 20 times; for *go after other gods* see viii. 19, xi. 28, xiii. 2, xxviii. 14, etc.

15. *in the midst of thee*] So vii. 21, xxiii. 14 (contr. i. 42). Hosea has the same thought, xi. 9, and Jeremiah, xiv. 9.

a jealous God] As in iv. 24, v. 9; see note on Ex. xx. 5.

lest the anger, etc.] Cp. vii. 4, xi. 17.

16, 17. Another interruption by the Pl. Because of this; because the reference to Massah is hardly relevant to the context, and because the perfect, *he hath commanded*, is not yet true of the separate laws; these sentences seem to be a later editorial insertion. The return to the Sg. at their close is explicable by the attraction of the Sg. in *v.* 18.

16. *Ye shall not tempt*, etc.] Rather, **try**, or *put to the proof*. On Massah cp. ix. 22, xxxiii. 8, and see on Ex. xvii. 2, 7.

18, 19. Resumption of the Sg. address; in spite of this the originality of these verses also has been doubted. It is at least curious that we have in them the divine name alone without the addition *thy God*, characteristic of D.

which is right and good in the sight of the LORD: that it may be well with thee, and that thou mayest go in and possess the good land which the LORD sware unto thy fathers, to thrust out all thine enemies from before thee, as 19
the LORD hath spoken.

When thy son asketh thee in time to come, saying, What 20
mean the testimonies, and the statutes, and the judgements, which the LORD our God hath commanded you? then thou 21
shalt say unto thy son, We were Pharaoh's bondmen in Egypt; and the LORD brought us out of Egypt with a mighty hand: and the LORD shewed signs and wonders, 22
great and sore, upon Egypt, upon Pharaoh, and upon all his house, before our eyes: and he brought us out from 23

18. *do that which is right*, etc.] Cp. xii. 25.

mayest go in and possess] See above on *v.* 1.

19. *to thrust out*, etc.] The Heb. is used of this event only here and ix. 4 (Sg.); also in the deuteronomic Jos. xxiii. 5.

as **Jehovah** *hath spoken*] Ex. xxiii. 27 ff.

20—25. These verses return to a favourite theme of Deut.: the close relation between Jehovah's Laws and His Deeds. When a future generation shall ask the meaning of the Laws it shall be referred to the Lord's deliverance of the nation from bondage in Egypt and His conduct of them to the land He promised. Having thus made them a nation, He would now preserve them as such by the Laws which He commands. These *vv.*, throughout in the Sg., expand *v.* 7 *a*, and contain nothing which leads us to doubt their originality. See on *v.* 24.

20. *When*, etc.] Read, with Sam. and LXX, **And it shall be when**, as in the opening of *v.* 10 and in Ex. xiii. 14 (J), which the rest of this clause follows.

the testimonies...the statutes...and the judgements] as in iv. 45 *q.v.* With Sam. omit *and* before *the statutes*; the statutes and the judgements are the contents of the testimonies.

our God] For the reason of this instead of the usual Sg. *thy God* see on v. 24.

hath commanded you] The perfect is natural to the time of the questioners' generation, when the laws would already have been published. *You* (so Sam., but LXX *us*) is, of course, the older generations; this, therefore, is not an instance of the Pl. address.

21. *bondmen*] See on v. 6.

mighty hand] See on iv. 34.

22. *signs and wonders...before our eyes*] See on iv. 34.

23. *and he brought us out*] This translation stifles the emphatic and even exultant note of the order in the original: *But us He brought out from thence*, cp. iv. 20.

thence, that he might bring us in, to give us the land which
24 he sware unto our fathers. And the LORD commanded us
to do all these statutes, to fear the LORD our God, for our
good always, that he might preserve us alive, as at this day.
25 And it shall be righteousness unto us, if we observe to do
all this commandment before the LORD our God, as he
hath commanded us.

that he might bring us in] See on *v.* 10; some LXX codd. omit.
which he sware] i. 8.

24. Jehovah *commanded us to do all these statutes*] This phrase is natural to the time and standpoint assumed throughout *vv.* 20—25, viz. those of the later generation before which the statutes will already have been published. Notice, too, how naturally *Jehovah* is used instead of the deuteronomic *Jehovah thy God*: for here we have, not Moses addressing Israel, but Moses quoting what Israel are to say to their children; so, too, *Jehovah our God* (thrice) is to be explained. Thus two of Steuernagel's reasons for counting the passage as secondary (that Sg. does not elsewhere in the introductory discourses take the laws as already published and that Jehovah our God does not elsewhere occur in the Sg.) are disposed of. He has missed the standpoint of the speakers whom Moses quotes. Steuernagel's third reason for the secondariness of the passage—that it interrupts by its emphasis on obedience the Sg. course of thought, which before and after it warns against the worship of other gods—is insufficient.

might preserve us alive] Sustain the national existence which He had begun by the redemption from Egypt (*v.* 21). The Law is given to preserve the life born in that deed of grace. See above.

alive, as at this day] 'It deserves attention that this points to the composition [of the passage] as pre-exilic, for the Exile was felt as death' (Bertholet). This would be a good argument if the words were part of Moses' direct address to Israel, but they are spoken from the standpoint of a generation settled in Palestine.

25. *it shall be righteousness unto us*] The thought of the previous verse shows that righteousness here does not mean goodness, uprightness, but rather justification, vindication, the right to live, and by consequence their life itself. Cf. the post-exilic 'Isaiah,' lxi. 11, lxii. 1, 2, in which righteousness is parallel to *renown*, to *salvation* and to *glory*. (See the present writer's *Isaiah* xl.—lxvi. 217 ff.) Contrast xxv. 13.

before **Jehovah** *our God*] Cp. xxiv. 13, where this phrase (*thy God*) follows immediately on *righteousness unto thee*. That may, as some suggest, have been the order here, too, but the transposition is not necessary. 'To fulfil the commandment before Jehovah means so to fulfil it that He sees it, and that is a speaking feature of legal piety (Neh. v. 19, xiii. 14, 22, 31)' (Bertholet).

When the LORD thy God shall bring thee into the land 7
whither thou goest to possess it, and shall [1]cast out many
nations before thee, the Hittite, and the Girgashite, and the

[1] Heb. *pluck off.*

CH. VII. 1—26.

The discourse returns to the theme of vi. 10 ff., Israel's temptations in the promised land. He is to make no contract, nor show friendliness, nor intermarry with its peoples lest he be drawn to idolatry (1—4), but is to destroy their altars and other religious symbols (5). For Israel is holy and peculiar to Jehovah, who hath chosen him because He loved him and redeemed him in order to keep His oath to his fathers (6—8). He is faithful to His own to a thousand generations, but requites His haters by destroying them; Israel must therefore keep His laws (9—11). If so, Jehovah will keep His covenant with the people, securing the fertility of themselves, their soil and their cattle, and turning disease from them upon their enemies (12—15). These Israel must consume ruthlessly, for their gods will be a snare; and if Israel is afraid of them he must remember that what his God has already done to Pharaoh and Egypt He will do to them, for He is in the midst of Israel a great God and terrible (16—21). He will destroy them gradually (for His people's sake), but utterly (22—24). The chapter closes on its keynote: Israel must destroy the images of the gods of these peoples, not coveting even the silver and the gold upon these, which must be an abomination to Israel (25—26).—Apart from certain editorial additions (see the notes), there is no reason to doubt the substantial integrity of the chapter; save with these additions—*vv.* 5, 7, 8 (except last clause), 12*a* —it maintains the Sg. address.

1. *shall bring thee into*, etc.] See on vi. 10.

shall cast out, etc.] *strip*, or *clear*, *off*; *v.* 22, 2 Kgs xvi. 6: the only applications of this verb to the extirpation of human beings; in xix. 5 intrans. of the slipping of an axe-head from the heft, xxviii. 40 the dropping of olives. JE of drawing off sandals, Ex. iii. 5; Jos. v. 15.

The list of seven nations which follows is of a kind frequent in JE, D (xx. 17) and deuteronomic passages in other books; 'in many cases probably—Jos. xxiv. 11 is one that is very clear—introduced by the compiler' (Dri.), but always with a rhetorical purpose. The order and even the contents of these lists vary; for details see Driver on this verse, and on Ex. iii. 8.

Hittite] Egyptian and Assyrian monuments record a Hittite power in N. Syria with a centre at Kadesh on the Orontes. Judg. i. 26, iii. 23, Jos. xi. 3 (in these last two read *Hittite* for *Hivite*) bring the name as far as the S. end of Mt Hermon. P mentions people of the same or a similar name in S. Palestine as owning the land about Hebron (Gen. xxiii. 3, 10), and gives Esau wives of the daughters of Heth (Gen. xxvi. 4, xxvii. 46). Ezekiel (xvi. 3, cp. 45) calls the mother of Jerusalem a

Amorite, and the Canaanite, and the Perizzite, and the Hivite, and the Jebusite, seven nations greater and mightier
2 than thou; and when the LORD thy God shall deliver them up before thee, and thou shalt smite them; then thou shalt [1]utterly destroy them; thou shalt make no covenant with
3 them, nor shew mercy unto them: neither shalt thou make

[1] Heb. *devote.*

Hittite. On these grounds (and others) the existence of at least Hittite colonies or suzerainties in S. Palestine has been maintained. But in P Hittite may be used in the same general sense as Amorite in E and D and Canaanite in J; cp. Jos. i. 4 (deuteronomic) *all the land of the H.* = all Syria, which the Assyrians also mean by 'the land of the Khatti'; and P's Hittites at Hebron are called Amorites by E, Jos. x. 5; while Ezekiel, too, may have no ethnological distinction in mind, but may mean only to emphasise the inborn heathenism of Jerusalem. The question is still uncertain and of no importance for the understanding of a rhetorical list like this. For details see the writer's *Jerus.* II. 16—18.

Girgashite] in but a few of the lists; here, Jos. iii. 10, xxiv. 11; Gen. xv. 21. Gen. x. 16 (J) puts them under the political supremacy of Canaan (*begotten by C.*) or Phoenicia. Their territory is unknown. The name seems onomatopoetic like Zamzummim (ii. 20); cp. Arab. 'garas,' to make a low sound or speak softly.

Amorite...Canaanite] See on i. 7.

Perizzite] in all but two or three of the lists. J mentions this people, along with the Canaanite, as Israel's predecessors (Gen. xiii. 7, xxxiv. 30; Judg. i. (4), 5), and their land as in the centre of the range of W. Palestine (Jos. xvii. 15). The name has been derived, but not certainly, from *p'razah*, 'open region' or 'region of unwalled towns,' *p'razi*, 'the inhabitant of such' (iii. 5).

Hivite] in all the lists. In J they are subject to Phoenicia (*Canaan*, Gen. x. 17) and the Gibeonites are called *Hivites* (Jos. ix. 7; cp. the deuteronomic xi. 19). In 2 Sam. xxiv. 7 their cities are coupled with those of the Canaanites as now Israel's. The Heb. *Hiwwi* seems connected with *hawwah*, tent-village.

Jebusite] in all the lists save one; according to J and other sources the inhabitants of Jerusalem and its land till their conquest by David (Jos. xv. 63; Judg. i. 21, xix. 11; 2 Sam. v. 6, 8); cf. P's *the shoulder of the Jebusite, that is Jerusalem*, Jos. xviii. 16, 28. See the writer's *Jerus.* I. 226 f., II. 18, 28.

2. *deliver them up before*] See on i. 8.

thou shalt utterly destroy them] *put to the ban, herem.* See on ii. 34.

make no covenant with them] no treaty or alliance; so in JE, Ex. xxiii. 32, xxxiv. 12; cp. Jos. ix. 6, 1 Sam. xi. 1 ff. (instances of such).

3. *neither...make marriages with them*] In the narratives in Genesis

marriages with them, thy daughter thou shalt not give unto his son, nor his daughter shalt thou take unto thy son. For 4 he will turn away thy son from following me, that they may serve other gods: so will the anger of the LORD be kindled against you, and he will destroy thee quickly. But thus 5 shall ye deal with them; ye shall break down their altars, and dash in pieces their [1]pillars, and hew down their Asherim, and burn their graven images with fire. For thou 6

[1] Or, *obelisks*

and Judges marriages are regarded as best when between members of the same family or tribe (Gen. xxviii. 2, 8 f.) and as unfortunate when the wives are foreign (Gen. xxvi. 34 f., xxvii. 46; Judg. xiv. 3). But no law against marriage with foreigners is either assumed or implied. On the contrary, Moses (Ex. ii. 21), David (2 Sam. iii. 3), Solomon (1 Kgs xi. 1), Ahab (1 Kgs xvi. 31), all marry foreigners, and there are other instances (Bath-sheba and Uriah, etc.). The deuteronomic veto, therefore, may be assumed to be the earliest law against such marriages (Ex. xxxiv. 16 is editorial) and to have become necessary by the experience of their evil consequences, conducive to idolatry (Judg. iii. 5 f., deuteronomic). At the same time D allows marriage with a foreign woman taken in war (xxi. 10). That the law was not kept is seen from the Book of Ezra.

4. *turn away thy son from following me*] Expressed differently in Ex. xxxiv. 16*b* but to the same effect, that the influence of the foreign wife on her Israelite husband will be to lead him into idolatry. *From after me* (lit.): as the speaker is Moses, the *me* has been taken to be due to abbreviation of the divine name, and *Jehovah* is read; but in that case we should have had *Jehovah thy God*. Therefore retain *me* and take this as an instance, occurring again in xvii. 3, xxviii. 20, xxix. 5 (4), and frequent in the discourses of the prophets, of the merging of the speaker's personality in that of the Deity, for whom he speaks.

against you] Transition for the moment to the Pl. (confirmed by Sam. and LXX). It is impossible to say whether this is original or an editorial addition.

quickly] iv. 26.

5. The change to the Pl., together with the fact that the *vv.* does not direct the destruction of the persons of the heathen (which would have been relevant to the preceding), but only of their altars, etc., marks this verse as a quotation or later insertion. *V.* 6 follows on 4. So Steuern., Berth. Cp. the editorial passages Ex. xxiii. 24*b*, xxxiv. 13. The original of all three passages may be the deuteronomic law, xii. 3.

pillars...Asherim] See on xvi. 21 f.

6—11. The reasons for the previous commands to destroy the peoples of the land, and to abstain from traffic with them, leading as this would to participation in their worship of other gods. Israel are for

Jehovah alone: to this end He loved, chose, and redeemed them. This is one of the many cases in Deut. in which the principles or ideas offered for certain practices or acts of conduct commanded to Israel are of a far higher standard than these practices themselves, and therefore have endured as the essentials of religion when the practices are either no longer prescribed or actually forbidden (as in Christianity). The passage, which might appear to be founded on Ex. xix. 5 f., is not certainly so; for Ex. xix. 5 f. (on which see the note) has probably been expanded. The address changes to the Pl. in *vv.* 7, 8, which are probably a later insertion: see below.

6. *an holy people unto* **Jehovah** *thy God*] So xiv. 2, 21, xxvi. 19, xxviii. 9; cp. Ex. xix. 6 (J prob. expanded): *an holy nation*. As elsewhere in Deut., *holy* is here used in the formal sense of separated unto, or reserved for, Jehovah, and includes an ethical meaning only by implication, i.e. in so far as traffic with the heathen and the worship of their gods, which Israel, in consequence of his *holiness to Jehovah*, was forbidden to share, would necessarily involve the people in immoral practices. See the following note.

Holiness in Deut. and other O.T. Writers.

The adj. *holy* (*ḳadosh*), and the noun *holiness* (*ḳodesh*), with the various forms of the verb (prob. denominative) *to be holy*, and *to hallow* or *sanctify*, require a separate note, especially in view of certain phenomena which distinguish the use of these terms in Deut. The meaning of the root 'ḳ-d-sh' appears to be physical: 'cut off,' 'separate,' 'set apart.' But in Heb. and other Semitic languages the words derived from it are always used in a religious sense, both of God or the gods and of things and men in their relation to the deity. It is not certain whether they were first applied to deity as separate from, or at a distance above men, and then transferred to men and things belonging to the deity; or whether they were originally used of these as *set apart* from common use for the use of the god and then transferred to himself. But this is clear, that as the meaning of the terms grew in Israel's use of them, the chief influence in that growth was the revealed nature of Israel's God. At first the meaning of holy and holiness was purely formal, without ethical content, and negative. Even in Israel, and even with prophets who had very rich conceptions of the moral and metaphysical nature of God, the terms still often retain their original and negative character. To Hosea God is Holy as the Utter Contrast of man, xi. 9: *God and not man, the Holy One in the midst of thee*; to the Prophet of the Exile He is the Incomparable, 'Is.' xl. 25: *to whom will ye liken me, that I should be equal to him? saith the Holy One*. But as these passages show, the terms could not remain negative when used of God, but became positive and equivalent to godhead. In Phoenician (as A. B. Davidson points out) the phrase 'the holy gods' just means the divine gods. Similarly in Israel the contents of the term Holy came to be the contents of the nature of Jehovah as these were revealed

to the prophets. To Hosea (xi. 9, see above) God's holiness, His utter contrast with men, is His love and power of forgiving. To Isaiah it is His transcendence, majesty and awful purity, crushing and bewildering sinful man (vi. 1—5, *high and lifted up, the foundations moved...the house was filled with smoke...woe is me, I am undone...a man of unclean lips*), and His righteousness or justice (v. 16, *the Holy One is holy by righteousness*); it is parallel to His glory (vi. 3). Yet 'none of these attributes are synonyms of holiness strictly; they are rather elements in holiness' (Davidson).

As applied to things *holy* simply means that they have been ceremonially set apart for the deity; so of the Sabbath (*hallow it*), the firstborn (*sanctify them to me: they are mine*), the sanctuary (*mikdash*), its furniture, priests' clothing, and foods (virtually equivalent to *clean*), etc. Similarly men are holy not because of their character, but from their devotion to the deity or His service, e.g. 1 Sam. xxi. 5 f. of soldiers (of divers characters) consecrated to war (see on xx. 1 ff., xxxiii. 3); of a prophet, 2 Kgs iv. 9; and frequently in P of priests, Levites and Nazirites. In E, Ex. xxii. 31, *holy* is applied to the whole nation: they must not eat flesh torn by beasts of the field and not slain ritually, because they are *men holy to Jehovah*, His own and set apart for Him; while in Jer. ii. 3 holy = inviolable: as *holiness* to Jehovah, early Israel could not be devoured by other nations without guilt falling on these. Here also, however, the character of the God to whom Israel was sacred, gradually ethicised the term *holy*. This appears as early as J, Ex. xix. 5 f. (unless this passage is editorial), where it is announced that the people will be *holy* if they obey God's voice and keep His covenant; and it is very clear in the formula, *Be ye holy for I am holy*, because of its connection with moral requirements, Lev. xix. 1—3, xx. 7. Even when Israel's holiness is emphasised as incompatible with attendance on heathen cults, the notoriously immoral character of these implies that the holiness is not merely ceremonial but ethical as well. In Pss. xv. and xxiv. only the upright and pure are fit to dwell in the holy place of God; yet even here holiness may mean no more than an awful sacredness (cp. Is. xxxiii. 14 f.). On the whole subject see A. B. Davidson, *Theol. of the O.T.* 144 ff., and J. Skinner, art. 'Holiness in the O.T.' in Hastings' *D.B.*

In Deut., in which the use of *holy* and *holiness* is not so frequent or characteristic as it is in the Prophets and P, we find only some of the meanings described above; the whole range of them is not covered. The purely ritual sense, applied to things and men consecrated to God, is oftenest expressed: v. 12 (the Sabbath); xv. 19 (firstling males); xii. 26, xxvi. 13 (*all thy holy things*, vows and tithes of the increase of fields and flocks); xxiii. 14 (the camp, because of God's presence); cp. xxii. 9 where R.V. *forfeited*, probably the exact meaning, is literally *hallowed* or *consecrated*; and xxiii. 17 f. where the men and women who sacrificed their chastity to the gods are called by the names they bore throughout the Semitic world (*Kadesh* and *K^{e}deshah*). Five times is Israel called *a holy people—a people holy to Jehovah thy God*. But in one of these passages, xxvi. 19, this means a people *distinct* from other

art an holy people unto the LORD thy God: the LORD thy God hath chosen thee to be a peculiar people unto himself,
7 [1]above all peoples that are upon the face of the earth. The

[1] Or, *out of*

nations, and high above them in renown; and in another, xxviii. 9 (as the context shows), an *inviolable* people just as in Jer. ii. 3, though the condition of such inviolableness is moral, their obedience to all the commandments of Jehovah. In two others, xiv. 2, 21, the phrase is used as the ground for their abstention from mutilation for the dead, and from eating what has not been ritually slain; while in vii. 6 it is given (as we have seen) as a reason for not treating or trafficking with the heathen or engaging in their cults. In these last three cases a moral meaning is doubtless implied in *holy*, because of the notoriously immoral character of such cults, but it is not explicit. This is strange after what we have seen of the moral contents of the term *holy* in the Prophets. But stranger still as coming after the Prophets (see above) is the fact that *holy* is nowhere in Deut. applied to God Himself (though in xxvi. 15 heaven is called *His holy habitation*); and He is not styled as Isaiah so frequently styles Him *the Holy One of Israel*. Did the deuteronomists purposely avoid the association of this name with Jehovah because of some superstitious use of it (cp. Jeremiah's repudiation of Isaiah's conviction of the sanctity of the Temple, when this had become a mere fetish with the people), or because it was also applied to heathen gods?

Jehovah *thy God hath chosen thee*] The order of the original is much more emphatic: *And* (so Sam., LXX and some Heb. MSS) *thee hath Jehovah thy God chosen*. Similarly iv. 37, x. 15, xiv. 2 with Sg., and with Pl. only vii. 7. The idea and its expression are characteristic of D; it is not found in other documents of the Hex. nor in pre-deuteronomic writings (yet cp. Amos iii. 2), but occurs frequently after D, in the deuteronomic Jer. xxxiii. 24, and 1 Kgs iii. 8; and frequently in 'Is.' xli. 8, 9, xliii. 10, xliv. 1, 2; cp. xlii. 1, xliii. 20, xlv. 4, xlix. 7; also of God's restoration of the exiled Israel 'Is.' xiv. 1. We must not impart into the phrase the full meaning of 'election' in the N.T. or Christian theology. As the passages in 2nd Isaiah show, 'election' by God is election to service (see the writer's *Isaiah* xl.—lxvi. pp. 237 f.), and as Jer. xviii. shows, it may be annulled if the object of it prove to be unworthy; yet, according to 'Is.' xiv. 1, it may, on repentance being shown, be renewed; cp. below xxx. 3 ff.

a peculiar people] Lit. *a people of special possession*; in late O.T. of the privy property of kings, 1 Chr. xxix. 3, Eccl. ii. 8; in N.H. the verb from which it is derived means to acquire property. Also in xiv. 2 and xxvi. 18, like this passage, in Sg. Not certainly found before D, for Ex. xix. 5 is editorial. For details see note on that verse. The adj. has the sense which the noun 'peculiar' retains in Eng.

7, 8. Change to the Pl. address. Because of this and because the

LORD did not set his love upon you, nor choose you, because ye were more in number than any people; for ye were the fewest of all peoples: but because the LORD loveth 8
you, and because he would keep the oath which he sware unto your fathers, hath the LORD brought you out with a mighty hand, and redeemed you out of the house of bondage, from the hand of Pharaoh king of Egypt. Know therefore 9

choice of Israel by Jehovah is not mentioned in other Pl. passages, and also because these verses are not necessary to the connection, they are probably a later editorial insertion—or at least a quotation.

7. *set his love upon you*] The radical meaning of the verb is to fix or bind, and it is used of a man's falling in love with a woman, xxi. 11; Gen. xxxiv. 8; cp. the Eng. use for this of 'attachment' (also of a passion for building, 1 Kgs ix. 19). Of Jehovah's love for Israel only here and x. 15. For an analogous phrase see Hos. ii. 14, *I will speak comfortably to her*, lit. speak to her heart as from man to woman when he woos her; also Is. xl. 2.

ye were the fewest of all peoples] Cp. iv. 38, vii. 1, ix. 1, all Sg., and xi. 23 Pl. as here; on the other hand i. 10 Pl., x. 22 Sg. *as the stars of heaven*, iv. 6 Pl. *a great nation*, xxvi. 5 Sg. *great, mighty, populous*. The representation of Israel's numbers and power appears to vary in different passages, according to the thought which the writer at the time desires to express' (Driver). Yet see on i. 10.

8. *loveth you*] With Israel's love to God (see on vi. 5) God's love to Israel is equally characteristic of D and not found elsewhere in Hexateuch; first expressed and very fully in Hos. i.—iii. and xi. 1—4. In Deut. of God's love to the fathers of the nation, iv. 37, x. 15, both Sg.; to the nation, vii. 8 Pl. (editorial), vii. 13, xxiii. 5 Sg.; to the stranger, x. 18 Sg.

the oath which he sware] See ix. 5.

mighty hand] See on iii. 24.

redeemed you] Heb. *thee*, and the Sg. is confirmed by Sam. and most MSS of LXX. This Sg. clause follows, not only conveniently upon *v.* 6, the last clause in Sg., but very appropriately because of its *redeemed* and the *peculiar people* of that clause.

redeemed] The ordinary term for ransoming beast or man from slavery or death (see on Ex. xiii. 13), is used of the redemption of Israel from Egypt in D here, xiii. 5, xv. 15, xxi. 8, xxiv. 18, all with the Sg., and in ix. 26 in a Pl. context; and so nowhere else in the Hexateuch.

9, 10. A free paraphrase of the Second Commandment.

9. *Know therefore*] A frequent formula in D in Sg. and Pl. iv. 39 (+ *and lay it to thine heart*), viii. 5 (A.V. *and thou shalt consider in thine heart*), ix. 3, 6 (A.V. *understand therefore*), xi. 2 (*and know ye*); cp. xxix. 4 Pl. (*a heart to know*); the passages where the object is *other gods* and the meaning therefore is to *have experience* of them, xiii. 6, 13, xxviii. 64 (Sg.), and xi. 28 (Pl.), also xxix. 26, xxxii. 17; and in a

that the LORD thy God, he is God; the faithful God, which keepeth covenant and mercy with them that love him and
10 keep his commandments to a thousand generations: and repayeth them that hate him to their face, to destroy them: he will not be slack to him that hateth him, he will repay
11 him to his face. Thou shalt therefore keep the commandment, and the statutes, and the judgements, which I command thee this day, to do them.
12 And it shall come to pass, because ye hearken to these

similar sense, of other nations xxviii. 33, 36 (Sg.), and of the diseases of Egypt vii. 15 (Sg.); and of manna viii. 3, 16 (Sg.); also of God proving His people in order to know, i.e. find out, what was in their heart, viii. 2 (Sg.), xiii. 3 (Pl.). These passages and their contexts show that D uses the verb *to know* with the same practical force, especially in religious matters, with which Hosea uses it. 'It is not to know so as to see the fact of, but to know so as to feel the force of; knowledge not as acquisition and mastery, but as impression, passion. To quote Paul's distinction, it is not so much the apprehending as the being apprehended. It leads to a vivid result—either warm appreciation, or change of mind or practical effort....It is knowledge that is followed by shame, or by love, or by reverence, or by the sense of a duty...it closely approaches the meaning of our conscience.' (*The Twelve Prophets*, I. 322; see the whole chapter there on the subject.)

he is God] *the God*, or *God indeed*, iv. 35, 39, x. 17; affirming not the soleness (Dillm.) so much as the reality of Jehovah's deity, as shown (the *vv.* go on) in His working in history.

faithful] A participle with gerundive force, who shows Himself One to be trusted, i.e. by His deeds.

keepeth covenant and mercy] The conjunction shows that the Heb. word trans. *mercy*, *hesed*, is, as especially in Hosea, more than an affection; it is a relation and duty better rendered by *loyal love*. But see Driver's note *in loco*.

that love him] See on vi. 5.

a thousand generations] 'a rhetorical amplification, rather than an exact interpretation, of the thousands of Ex. xx. 6' [Dt. v. 10] (Driver).

10. *to their face*] i.e. in their own persons; inserted lest the sinner might flatter himself that the punishment of his sin would be deferred to a later generation (v. 11).

he will not be slack] Rather, *he will not delay* (it).

11. *the commandment, and the statutes, and the judgements*] See on vi. 1. Sam. again omits *and* before *statutes*.

12. *And it shall come to pass*] Cp. vi. 10.

because] better than A.V. *if*; Heb. means *in consequence of*, or *as a reward for*.

judgements, and keep, and do them, that the LORD thy God shall keep with thee the covenant and the mercy which he sware unto thy fathers: and he will love thee, and bless 13
thee, and multiply thee: he will also bless the fruit of thy body and the fruit of thy ground, thy corn and thy wine and thine oil, the increase of thy kine and the young of thy flock, in the land which he sware unto thy fathers to give thee. Thou shalt be blessed above all peoples: there shall 14
not be male or female barren among you, or among your cattle. And the LORD will take away from thee all sickness; 15
and he will put none of the evil diseases of Egypt, which

ye hearken...and do them] Another Pl. clause and superfluous. The next clause resuming the Sg. follows suitably *v.* 11.

Jehovah *thy God shall keep with thee the covenant*, etc.] Expansion of *v.* 9, *q.v.*

13. *love...bless...and multiply thee*] Cp. Gen. xxii. 17 (E?), xxvi. 24 (J), *bless* and *multiply*; note the characteristic addition *love* by D. The blessings which follow are material; similarly but varied in xxviii. 4, 11, 18, 51, xxx 9, all Sg. Note the interesting differences in Hosea's similar lists: *bread, water, wool, flax, oil, drink, corn, wine, oil* (Hos. ii. 5, 8 f., 15, 22). Hosea, writing for the N. kingdom, gives flax, which D omits; all the rest are characteristic of Judah. Hosea's treatment of the subject is more spiritual; he gives the moral blessings of the relation of Jehovah and Israel in greater, the material in less, detail than D.

fruit of thy body] *womb*, as in A.V.; Gen. xxx. 2 (E).

corn...wine...oil] xi. 14, xii. 17, xiv. 23, xxviii. 51. The terms used denote these products in a less manufactured state. Wine is *tīrōsh* not *yain*, corn *dagan* not *ḥiṭṭim*, oil *yiṣhar* not *shemen*. *Tīrōsh*, though not entirely unfermented or harmless (Hos. iv. 11), was nevertheless a much fresher extract of the grape than *yain*, it is *new wine* or *must*; *dagan* is corn which has been threshed out (Num. xviii. 27); and *yiṣhar* is *fresh oil* (abb. from Driver *in loco* and on pp. xx f. of his 3rd ed.).

the increase of thy kine] xxviii. 4, 18, 51: what *drops from* or is *cast by*, an animal; Ex. xiii. 12 (J) *that cometh of a beast*. Nowhere else. *Kine*, rather **cattle**, the noun is masc.

the young of thy flock] Lit. *the 'Ashtoreths*. 'A phrase like this, which has descended from religion into ordinary life, and is preserved among the monotheistic Hebrews, is very old evidence for the association of Astarte with the sheep.' (W. R. Smith, *Rel. of the Semites*, 458.)

in the land, etc.] See vi. 10: after *sware*, Sam. and LXX read *Jehovah*.

14. *not...barren*] Ex. xxiii. 26 (edit.); cp. above on *v.* 13.

15. *take away...all sickness*] Ex. xxiii. 25 (edit.).

evil diseases of Egypt] In Ex. xv, 26 (edit.) the *sicknesses* (another

thou knowest, upon thee, but will lay them upon all them
16 that hate thee. And thou shalt consume all the peoples
which the LORD thy God shall deliver unto thee; thine eye
shall not pity them: neither shalt thou serve their gods; for
17 that will be a snare unto thee. If thou shalt say in thine
heart, These nations are more than I; how can I dispossess
18 them? thou shalt not be afraid of them: thou shalt well
remember what the LORD thy God did unto Pharaoh, and
19 unto all Egypt; the great [1]temptations which thine eyes
saw, and the signs, and the wonders, and the mighty hand,
and the stretched out arm, whereby the LORD thy God
brought thee out: so shall the LORD thy God do unto all
20 the peoples of whom thou art afraid. Moreover the LORD

[1] Or, *trials* See ch. iv. 34, and xxix. 3.

word) refers to the special plagues brought on the Egyptians by Jehovah for Israel's sake. Here the reference is rather to the natural ailments of men of which in antiquity Egypt was notoriously the source: elephantiasis, 'Aegypti peculiare malum' (Pliny, *H. N.* XXVI. 1, 5), ophthalmia, dysentery, but especially the bubonic plague (Hecataeus of Abdera in Diod. Sic. XL. 3). See the present writer's *Hist. Geog. of the Holy Land*, 157 f., 670; and cp. below note on xxviii. 27.

which thou knowest] *hast had experience of*, see on *v.* 9.

16. *consume*] Lit. *eat up*, a common figure, JE, Nu. xxii. 4.

shall deliver] See on *v.* 2.

The rest of the *v.* Steuern. takes as an addition, because the theme of 12—16 is what Jehovah does; and this, a warning for Israel, breaks the course of the thought. But this is to impute too fine a logic to such a discursive writer.

thine eye shall not pity them] xiii. 8, xix. 13, 21, xxv. 12, all Sg.; elsewhere in Hex. only in the edit. passage, Gen. xlv. 20, and with a different object, but common in Ezek., of God's eye on the people, and also found in Jer. and other post-deuteronomic writings. Cp. *v.* 2, *thou shalt not pity them*, with another vb.

neither shalt thou serve their gods...snare unto thee] Similarly in edit. Ex. xxiii. 33, xxxiv. 12. See note on former.

17. *say in thine heart*] *say to thyself*, or *think*, or *imagine*; but with the force of *really think*, ix. 4, xviii. 21.

18. *afraid of them*] So simply, xx. 1; for the longer characteristic phrases see on i. 21.

what **Jehovah** *thy God did*] iv. 34, vi. 21 f.

19. *temptations...signs...wonders*] See on iv. 34.

which **thine** *eyes saw*] iv. 9.

mighty hand, and...stretched out arm] See on iv. 34.

thy God will send the hornet among them, until they that
are left, and [1]hide themselves, perish from before thee.
Thou shalt not be affrighted at them: for the LORD thy 21
God is in the midst of thee, a great God and a terrible.
And the LORD thy God will cast out those nations before 22
thee by little and little: thou mayest not consume them [2]at
once, lest the beasts of the field increase upon thee. But 23
the LORD thy God shall deliver them up before thee, and

[1] Or, *hide themselves from thee, perish* [2] Or, *quickly*

20. And also the hornets will Jehovah...send, etc.] E twice, Ex. xxiii. 28, Jos. xxiv. 12. 'By *also* D indicates that he will have the *hornets* understood not as the only weapon of God, but as an example of His weapons; by the rest of the verse he makes it sufficiently clear that he takes *hornets* in the proper sense of the word, in so far as they penetrate into holes and corners' (Dillmann).

21. *Thou shalt not be affrighted*] This, combined with the verb *be afraid* (*v.* 18), is found in Pl. passages.

in the midst of thee] vi. 15.

great God and...terrible] Cp. x. 17, xxviii. 58, the same epithets of the wilderness i. 19, viii. 15, and of Jehovah's deeds x. 21. *Terrible*, in E, Gen. xxviii. 17 of the presence of God; nowhere else before D, for Ex. xxxiv. 10 is editorial, but very frequent in post-deuteronomic writings.

22. *cast out*] See on *v.* 1.

little and little] So, with the same reason attached, E, Ex. xxiii. 29, 30, on which see the note. This is a good instance of D's redaction, and more fluent expression, of earlier statements. That D should repeat the fact is strange. Though in harmony with and explanatory of the actual delay in Israel's extermination of the peoples of the land, as recorded in the older documents (Jos. xiii. 13, xv. 63, xvi. 10, xvii. 11—18; Judg. i. 19, 21 ff., ii. 20—iii. 4; most probably all J), it is against the conception conveyed by the deuteronomic sections of Joshua, that Israel's conquest of the peoples was rapid and complete (Jos. x. 28—43, xi. 16—23, xxi. 43—45, etc.). This, however, is no reason for supposing the verse to be an intrusion as Steuern. does; in any case it is deuteronomic.

lest the beasts of the field increase upon thee] *Field*, here in its earlier sense of uncultivated territory; *beasts of the field* are therefore *wild beasts*. That this danger was real and great in partly depopulated lands is illustrated in 2 Kgs xvii. 24 f. How constant the war of man against wild animals was in ancient Palestine may be felt from the promise of their being tamed as one of the elements of the Messianic age, Is. xi. 6—9. See the present writer's *Isaiah* i.—xxxix. 189 f.

23. *deliver them up*] See on *v.* 2.

shall discomfit them with a great discomfiture, until they be
24 destroyed. And he shall deliver their kings into thine hand,
and thou shalt make their name to perish from under heaven:
there shall no man be able to stand before thee, until thou
25 have destroyed them. The graven images of their gods
shall ye burn with fire: thou shalt not covet the silver or the
gold that is on them, nor take it unto thee, lest thou be
snared therein: for it is an abomination to the LORD thy
26 God: and thou shalt not bring an abomination into thine

discomfit] an onomatopoetic word implying the confusion, turmoil, and panic of defeat, especially under Divine judgement.

24. *make their name to perish*, etc.] Cp *blot out*, ix. 14, xxv. 19, xxix. 20.

stand before thee] Lit. *keep himself standing to thy face*, hold his post in face of thee: only here, ix. 2 Sg., xi. 25 Pl., in this sense.

25. *The graven images...burn with fire*] *v.* 5. Curiously in the Pl., as there is an otherwise Sg. context (the text is confirmed by Sam. and LXX). Steuern. marks the verse as secondary, but unnecessarily; the isolated Pl. may be due to a scribe whose eye or ear was impressed with *v.* 5 (so, too, Bertholet). *Burn*, the body of the image therefore was of wood, but plated or ornamented with metal (yet cp. Ex. xxxii. 20). Hence further—

thou shalt not covet the silver or the gold that is on them] Cp. Jos. vii. 1, 21, Achan's *trespass in the devoted thing*. The former of these is editorial; the latter, with Achan's confession that he had *coveted* 200 shekels of silver and a wedge of gold, belongs to JE.

snared] See on *v.* 16.

an abomination] The Heb. *tô'ebah* is that which is ritually unlawful, and therefore unclean and abhorrent, in respect to some religious system. Thus it is used of Israel's own sacrifices as unlawful in Egypt, which the Egyptians would stone Israel for performing there, Ex. viii. 26, J (see note on that verse). Similarly it is frequently used in D (either alone or followed by *Jehovah*) of the rites and religious practices of heathen nations as unlawful and unclean for Israel, xii. 31, xiii. 14 (the effort to seduce to those rites), xvii. 4, xviii. 9, xx. 18; and by metonymy of the things used in those rites, vii. 25, 26, xxvii. 15 (images, cp. xxxii. 16 parallel to strange gods); of a blemished sacrifice, xvii. 1, and unclean food, xiv. 3; and also of persons participating in such rites, xviii. 12, xxiii. 18, or following other unlawful courses, xxii. 5 (wearing the garments of the other sex), xxv. 16 (using unjust weights); and finally, xxiv. 4, of re-marriage with one's divorced wife after she has been married to another. All these 16 instances occur in Sg. passages with two exceptions, xx. 18, a Pl. clause in a Sg. context, and xxxii. 16 a line in the Song (the verb, to abhor, vii. 26, xxiii. 7). No such use of the noun with reference to Israel occurs in JE, but in

house, and become a devoted thing like unto it: thou shalt utterly detest it, and thou shalt utterly abhor it; for it is a devoted thing.

And the commandment which I command thee this day 8
shall ye observe to do, that ye may live, and multiply, and go in and possess the land which the LORD sware unto your fathers. And thou shalt remember all the way which the 2

Lev. xvii.—xxvi., the Holiness-Code, it is used several times of the sin of unchastity. In Proverbs *Jehovah's abomination* has an ethical force.

26. *a devoted thing*] *herem*, see on ii. 34; cp. xiii. 17 (18). Persons using or touching anything that was *herem* or under the ban, themselves became *herem*, cp. Jos. vi. 18, vii. 12.

utterly detest...utterly abhor] The latter verb is that of the noun *tô'ebah, abomination*, see *v.* 25; the former verb, *shikkes*, with its noun, is also used with respect to what is ritually forbidden or unclean, but chiefly in P, e.g. Lev. xi. 10—13, 20, 23, 41 f.

CH. VIII. FURTHER REMEMBRANCES AND WARNINGS FOR THE PROMISED LAND.

Remembering God's guidance through the wilderness, how it was both material and moral, sustenance and chastisement (1—5), Israel must keep His commandments (6); and in the land, whose richness contrasts so forcibly with the wilderness, must take heed not to forget Himself, His commandments and His discipline, nor ascribe to itself the new wealth on which it is to enter (7—17). He is the giver of this, in pursuance of His covenant (18). If Israel forgets all that and worships other gods, it shall surely perish (19, 20). This section of the discourse is fairly simple and compact (yet in any other style than the deuteronomic, *v.* 6 would seem irrelevant and an intrusion). Except in *vv.* 1, 19*b*, 20, probably editorial additions, the form of address is Sg. throughout, and no other *v.* need be regarded as secondary.

1. The change from Sg. to Pl. is confirmed by Sam. LXX has Pl. throughout the *v.* Is the Heb. and Sam. Sg. in the first clause due to the attraction of the Sg. in the previous verses? Or is the LXX Pl. due to a harmonising purpose? It is impossible to say. The suspicion of the originality of the *v.*, which is raised by the Pl. address, is strengthened by the character of the clauses, all of them frequently recurrent formulas, dear to editorial scribes, and none of them necessary just here. On all *the commandment*, see v. 31; *observe to do*, v. 1; *multiply*, vi. 3; *go in and possess*, vi. 1.

2. *thou shalt remember all the way*] Another of the many calls in D to remember God's Providence (v. 15, vii. 18, etc.), but this time to fresh aspects of that Providence, cp. xxix. 5.

LORD thy God hath led thee these forty years in the wilderness, that he might humble thee, to prove thee, to know what was in thine heart, whether thou wouldest keep his
3 commandments, or no. And he humbled thee, and suffered thee to hunger, and fed thee with manna, which thou knewest not, neither did thy fathers know; that he might make thee know that man doth not live by bread only, but by every thing that proceedeth out of the mouth of the

forty years in the wilderness] See on ii. 7.

humble thee, to prove thee] Cp. *vv.* 3 and 16, xiii. 3. On *prove* (whether as here of man by God, or of God by man) see on iv. 34, and Driver's note on Ex. xvii. 2 (E). J also speaks of the manna as God's proof of Israel, Ex. xvi. 4.

to know what was in thine heart] Cp. xiii. 3 (4), and note on vii. 9.

whether thou wouldest keep his commandments] Steuernagel's argument, that because the law was not yet given at the time of the provings described, therefore this clause must be regarded as a later addition, is quite insufficient. For either we may take it as implying some previous charges by God to Israel, without which Israel could not have set out in the wilderness (so Bertholet); or better, we may take these trials as of the people's personal confidence in Jehovah and anticipatory to His entrusting them with His laws. Cp. Ex. xvi. 4, J.

3. *And he humbled thee*, etc.] Better, **So He**; for the *v.* proceeds to illustrate the facts by which God's purpose of proving the people was carried out. In the main these were two: first the hunger of the people and then the provision of manna.

suffered thee to hunger] Heb. one verb, only here and in Prov. x. 3.

and fed thee with manna] For *manna* see the full notes by Driver, Ex. xvi. 14 f., 31—35.

which thou knewest not, etc.] See on vii. 9. So J, Ex. xvi. 15, *what is it? for they wist not what it was.*

that not **upon** *bread only doth man live but* **upon** *every thing that proceedeth out of the mouth of* **Jehovah**] The language—in particular *every thing*—is ambiguous. It is usually read as expressing an antithesis between *bread*, the natural or normal support of man and produced by himself, on the one hand, and on the other, when *bread* fails, the creative word of God with whatever (=*every thing*) it may produce (so Driver and Bertholet, etc., with differences). But the antithesis is rather between *only* and *every thing*: man lives not *upon bread only*, but upon everything (bread included) that proceedeth out of the mouth of God. On the word of God, creative and determining, from time to time changing what man shall live upon, but always the cause of this, man is utterly and always dependent. This is in harmony with the teaching of D throughout, that of all material blessings the God of Israel alone is the author. By translating *every word* for *every*

LORD doth man live. Thy raiment waxed not old upon 4
thee, neither did thy foot swell, these forty years. And thou 5
shalt consider in thine heart, that, as a man chasteneth his
son, so the LORD thy God chasteneth thee. And thou shalt 6
keep the commandments of the LORD thy God, to walk
in his ways, and to fear him. For the LORD thy God bringeth 7
thee into a good land, a land of brooks of water, of fountains

thing the LXX sways the meaning in another direction: that man lives not by material food only but by the spiritual guidance of God; and this is the antithesis which Christ appears to present in Matt. iv. 4[1]. Although such a higher spiritual meaning is not expressed in this verse, it underlies the context, which reminds Israel that God's providence of them has been not only physical, but moral as well.

4. *Thy raiment waxed not old upon thee*] Similarly xxix. 5, Pl.; Neh. ix. 21. On *raiment* see xxiv. 13.

neither did thy foot swell] or *rise in blisters*, only here and Neh. ix. 21. Rhetorically applied to the nation as a whole: the Pl. passages dwell more on the damage to the nation and the destruction of one whole generation of them during the forty years, cp. ii. 14.

5. *And thou shalt consider in thine heart*] Lit. *know with thy heart*; cp. 'conscire sibi,' and see above on vii. 9.

as a man chasteneth his son] **disciplineth**, cp. iv. 36, xi. 2 *q.v.*; Hos. xi. 1—4, also ii. 14 on the wilderness as a school of discipline. In Deut. which so frequently emphasises physical suffering and adversity as God's punishment for sin this explanation of them as signs not of His hostility, but of His fatherly providence, is remarkable. It anticipates the more developed doctrine of later O.T. writings and of the N.T.

6. This *v.* has been marked by Steuernagel as a later addition on the ground that it gives a strange turn to the main thought of the context. But the enforcement of *the keeping of the commandments* is the chief purpose of the whole discourse; and is more particularly relevant here in view of the temptations to forget them, which are described in the next verses. Besides the *for* of *v.* 7 follows more naturally on *v.* 6 than on *v.* 5.

7. *bringeth thee*] *is about to bring thee*: see above on vi. 10.

a good land] i. 35: Sam. and LXX add here *and a large* (Ex. iii. 8).

brooks of water...fountains...depths] The principal and characteristic waters of Palestine (for the hydrography of the land see especially

[1] In his *Synoptic Gospels* Mr C. G. Montefiore limits the meaning of Jesus to that of Deut.: 'Jesus asserts that the word of God will provide for his physical needs. God can by his creative word fashion material whereby man's life can be sustained, as he did in the case of the manna. More simply, God will provide for the physical needs of his messenger.'

8 and depths, springing forth in valleys and hills; a land of
wheat and barley, and vines and fig trees and pomegranates;
9 a land of oil olives and honey; a land wherein thou shalt

Robinson, *Phys. Geog. of the Holy Land*, ch. ii., Trelawney Saunders, *Introd. to Survey of W. Pal.*; also the present writer's *HGHL*, 77 f., 657 f., and *Jerusalem*, Bk I. chs. iii.—v.). *Brook*: *naḥal* (ii. 13) is the Ar. wady, applied both to a valley with only a winter-torrent (e.g. Kidron) and one with a perennial stream (e.g. Arnon and Jabbok). the more exact name for which is *naḥal 'ēthan* (*HGHL*, 657). *Fountains*: *ᵃyanoth*, springs of living water as distinct from cisterns (*id.* 77 f.). *Depths*: *tᵉhōmōth*, pl. of *tᵉhom*, the mythical name not only of the open ocean round the earth, but of its supposed continuance under the earth (iv. 18, v. 8), from which the fountains, salt and fresh alike, seemed to be derived (Am. viii. 4); *the depths* here are therefore either the *lakes* of Palestine, perennial (Phiala or Birket er-Ram, Huleh, Gennesaret and the Dead Sea) and seasonal (e.g. Merj el-Ghuruk, *HGHL*, 327 *n.*), a possible meaning for *tᵉhōmōth* in Ps. cxxxv. 6; or the larger outbursts of water from underground, the births of full rivers (as at Tell el Ḳady) so characteristic of Palestine. This second meaning is the more probable here both because of the following *springing forth*, and the parallelism between *depths* and *fountains* (the larger word for *fountains*) in Prov. viii. 24. See below on xxxiii. 13.

springing forth in valleys and hills] Lit. *in the valley and on the mountain*. The phenomenon is due to the limestone formation of the land, the larger outbursts occurring mainly at the foot of a hill or great mound, where the harder dolomitic limestone impenetrable by water comes to the surface, forcing the water out. Where the softer cretaceous strata lie deep the water sinks through them and fountains are either scanty or altogether wanting. *Valley*, *biḳ'ah*, *HGHL*, 654 f.

8. *wheat and barley*] Not the most characteristic products of Palestine, but put first as the staple food of man and the principal distinction of the cultivated soil from the desert, the *land not sown* (Jer. ii. 2). On the distribution of wheat and barley in Palestine see *Jerusalem*, I. 298 f. These two grains are followed by four fruits.

vines and fig trees and pomegranates...oil olives] 'Far more than any grain the staple products of the Judaean range have been its fruit-trees and especially the great triad of the Olive, Vine and Fig, the three which in the ancient parable the trees desire in turn to make their king' (*Jerusalem*, I. 299 ff. which see for the distribution of these trees and their power as factors in civilisation and human wealth). Here the Olive is taken apart from its usual companions Vine and Fig either because of its importance or for the rhythm of the prose. *Oil olives*, lit. *the olive of oil*, the cultivated and grafted, as distinguished from the wild, olive. Cp. 2 Kgs xviii. 32 with the other word for oil, *yiṣhar*, used above vii. 13 (*q.v.*); here it is *shemen*.

honey] See on vi. 3.

eat bread without scarceness, thou shalt not lack any thing in it; a land whose stones are iron, and out of whose hills thou mayest dig brass. And thou shalt eat and be full, and 10 thou shalt bless the LORD thy God for the good land which

9. *without scarceness*] The noun is found only here, and its adj. thrice only in the late Eccl. iv. 13, ix. 15 f.; cp. 'Is.' xl. 20. Scarcity of bread is a great curse of the desert nomads: some tribes taste it but once a month, others not so often, and it is regarded as a luxury (Robinson, *Bib. Res.* II. 497, cp. I. 197 f., Musil, *Arabia Petr.* III. 'Ethnolog. Reisebericht,' 148). Their hunger for it is a frequent cause of their raids on the fellahin (for an instance see von Oppenheim, *Vom Mittelmeer zum Pers. Golf*, I. 269).

whose stones are iron] Whether *iron* here means basalt as in iii. 11 (*q.v.*) is doubtful, for basalt is not confined to fertile lands, but is also found in the desert. More probably it is *iron* proper: not introduced to Palestine till the arrival of Israel or perhaps later. Like copper it came from the North (Jer. xv. 12), where the Phoenicians and Arameans seem to have moulded and worked it in the Lebanons (Ramman-Nirari III of Assyria records it as tribute from Aram-Damascus; and Idrisi, see *ZDPV*, VIII. 134, mentions a mine above Beyrout). Josephus speaks of the Iron Mountain running as far as Moabitis (IV. *B.J.* viii. 2) and the Letter of Aristeas says that both iron and copper were brought before the Persian period from the Mts of Arabia. 'Some have denied that the promise to Israel of iron in the rocks of their own land is justified by the geological facts. But ancient sources of the ore have been discovered at Ikzim on Mt Carmel, and near Burme, N. of the Jabbok' (*Jerus.* I. 332). Some of the hot springs of Palestine are impregnated with iron (Driver quoting Burckhardt, 33 f.). The excess of the references to iron and to furnaces in Jer. and Deut. over those in previous writers points to an increase of the metal in Israel before 650 B.C.

brass] 'In the O.T. this never refers to the alloy of zinc to which the term is now confined' (J. H. Gladstone, *PEFQ*, 1898, 253 n.) but means either *bronze*, copper with alloy of tin, or pure copper. In W. Asia no source of tin has been certainly identified. But in a paper on 'Copper and its Alloys in Antiquity' (reported in *Athenaeum*, Feb. 3, 1906) the President of the Anthropological Institute gives his opinion that bronze was made directly from a copper ore containing tin long before the two metals were artificially mixed. The sources of copper for Palestine were Cyprus, the Lebanons ('the land of Nuhashshi' or bronze), Edom, and N. Arabia (Tell-el-Amarna Letters (Winckler's ed.), 25, 27, 31 ff.; see the present writer's article 'Trade, etc.' in *Enc. Bibl.* § 7; and for the copper-mines and smelting furnaces of N. Edom at Fēnân, the Phainōn of antiquity, see Musil, *Edom*, I. 156 f., 287, 298, 323, II. 7 f.).

10. *And thou shalt eat...and...bless*, etc.] 'The verse is the proof-

11 he hath given thee. Beware lest thou forget the LORD thy
God, in not keeping his commandments, and his judgements,
12 and his statutes, which I command thee this day: lest when
thou hast eaten and art full, and hast built goodly houses,
13 and dwelt therein; and when thy herds and thy flocks
multiply, and thy silver and thy gold is multiplied, and all
14 that thou hast is multiplied; then thine heart be lifted up,
and thou forget the LORD thy God, which brought thee forth
15 out of the land of Egypt, out of the house of bondage; who
led thee through the great and terrible wilderness, *wherein
were* fiery serpents and scorpions, and thirsty ground where

text for the Jewish custom of prayer at table; possibly, however, the custom is older than our passage; cp. 1 Sam. ix. 13' (Bertholet). D's renewed emphasis that Jehovah is the giver of the land and its fruits: see on vii. 13.

11. *Beware lest thou forget*, etc.] vi. 12, viii. 14.

in not keeping his commandments, etc.] That this formula is a later intrusion (so Steuernagel) is possible: it changes the direction of the exhortation (10—17) which is not against disobedience, but against the nation imagining themselves to be the authors of their wealth, which was entirely the gift of Jehovah: in fact *v.* 12 follows well on *v.* 10.

12, 13 contain in their proper order such items as characterise the condition of the settled agriculturist in distinction from that of the nomad: sufficiency of food (see on i. 28, viii. 9); the building of houses (see *Jerus.* I. 285 f.); the multiplication of herds and flocks (the cattle and sheep of the fellahin and even their camels are stouter and more powerful than those of the pure nomads: Robinson, *Bib. Res.* I. 311, 314, II. 364, and the oxen and sheep are certainly more numerous: cp. Musil, *Edom*, I. 272: and the present writer, *Expositor*, Sept. 1908, 258 ff.); and as a consequence the increase of silver and gold (what of these the Beduin possess is nearly always in the form of ornaments: of money, except when they act as carriers or guides on trade routes there is very little, and coins are seldom seen with them); *and all that thou hast is multiplied*, the nomads never have reserves of any commodity, and are always near, if not actually on the verge of, extreme poverty.

14. *thine heart be lifted up*] xvii. 20; Hos. xiii. 6.

house of bondage] vi. 12.

15. *great and terrible wilderness*] i. 19: cp. vii. 21.

fiery serpents and scorpions] The former, in the collective singular *nahash saraph*, are described in the plural in Num. xxi. 6 E: cp. Is. xxx. 6: *the flying saraph*. If *saraph* really means burning and is not a foreign word (for *dragon* or the like), it refers to the inflammation produced by the serpent's bite. *Scorpions* is added characteristically by D.

was no water; who brought thee forth water out of the rock of flint: who fed thee in the wilderness with manna, which 16
thy fathers knew not; that he might humble thee, and that he might prove thee, to do thee good at thy latter end: and 17
thou say in thine heart, My power and the might of mine hand hath gotten me this wealth. But thou shalt remember 18
the LORD thy God, for it is he that giveth thee power to get wealth; that he may establish his covenant which he sware unto thy fathers, as at this day. And it shall be, if thou 19
shalt forget the LORD thy God, and walk after other gods, and serve them, and worship them, I testify against you this day that ye shall surely perish. As the nations which the LORD 20

out of the rock of flint] Ex. xvii. 6 (E); Num. xx. 8, 11 (JE): in both cases only *the rock*. D's characteristic rhetoric adds *of flint*. The word does not occur before D, and elsewhere only in xxxii. 13; Ps. cxiv. 8; Job xxviii. 9; Is. l. 7.

16. See on *vv.* 2, 3 and iv. 34.

to do thee good] xxviii. 63, Pl., xxx. 5, Sg.

thy latter end] Misleading translation. Lit. *thine afterness, thy later years*. There is nothing eschatological in the phrase. Steuernagel marks 14*b*, 15 and 16 as an intrusion on the grounds that they but repeat 2*b*, 3, and spoil the connection between 14*a* and 17. But the deuteronomic style is given to repetition, and here the writer not only repeats but carries his argument to a climax in the phrase *to do thee good in thy later days*.

17. *thou say in thine heart*] That is not only as if convinced; but, whether or not thou sayest this expressly with thy lips, thou feelest and practically behavest as if thine own power and might had gotten thee this wealth.

18. Renewed emphasis on the writer's chief principle that Jehovah is the author of the people's blessings and that because of His faithfulness vii. 9, 12 ff., etc., etc.

as at this day] The writer again betrays his date; it is when Israel is securely established in the enjoyment of the wealth promised them: cp. ii. 30.

19, 20. The change from the Sg. to the Pl. address (substantially so in Sam. and LXX) suggests that an expanding hand has been at work in these verses; and the suggestion is confirmed by the fact that the leading phrases in them are found elsewhere only with the Pl. Further, the destruction of the nation seems regarded as imminent.

19. *I testify against you*] Here begins the Pl.: the phrase is found only with Pl. passages, here, iv. 26, xxx. 19, xxxii. 46, cp. xxxi. 26, 28; elsewhere only in Jer. xi. 7, xlii. 19.

ye shall surely perish] Only here, iv. 26, xxx. 18 all Pl.

maketh to perish before you, so shall ye perish; because ye would not hearken unto the voice of the LORD your God.

9 Hear, O Israel: thou art to pass over Jordan this day, to

20. *maketh to perish*] *is about to*, etc. Here the writer is true to the standpoint of the speaker.

because ye would not hearken, etc.] The construction is found elsewhere only in another Pl. passage, vii. 12.

CHS. IX.—X. 11. WARNINGS AGAINST SELF-RIGHTEOUSNESS, ENFORCED BY A RETROSPECT OF THE PEOPLE'S BEHAVIOUR.

Israel about to cross Jordan and face nations mightier than itself must know that Jehovah goeth before, quickly to destroy them (1—3). Israel must not thereafter say that He hath done this for Israel's righteousness, for He shall do it because of the wickedness of those nations and to establish His promise to the fathers (4, 5). Israel itself is not a righteous but a stiffnecked people, provoking and rebellious from Egypt till now (6, 7). This is illustrated by a narrative of their conduct at Horeb, where, while Moses was on the Mount, receiving the two stone tables of the covenant, Israel made a molten calf, God threatened to destroy them, Moses brake the tables and fasted 40 days and nights before God, fearful of His wrath; but at his intercession God relented both with regard to the people and to Aaron, and Moses destroyed the calf (8—21). At other places also Israel provoked God, and have been always rebellious (22—24). But Moses' intercession at Horeb prevailed (25—29), and on two new tables of stone God wrote again the Ten Words and Moses put them in the Ark of wood which he had been bidden to make (x. 1—5). There follow a fragment of a subsequent itinerary of the people with the death of Aaron (6, 7); a record of the separation of the tribe of Levi to bear the Ark (8, 9); and a renewed statement of Moses' intercession on the Mount with the command he then received to continue to lead the people towards the land (10, 11).—So long as the discourse is hortatory it remains in the Sg. form of address (ix. 1—7*a*); but changes to the Pl. when the speaker begins the historical review, and the Pl. continues to the end of the section except for a couple of instances of the Sg. (ix. 7*b*—x. 11); when with the resumption of exhortation, x. 12 ff., the Sg. is also resumed. For such a historical review a reporting author might naturally use another source; and in this case the supposition is supported by the sudden and clear change from Sg. to Pl. which is not explicable otherwise, e.g. on psychological grounds; but finally confirmed by what commentators do not appear to have noticed, the fact that in the historical section the divine name Jehovah is nowhere (save in ix. 16, 23) followed by *your God* as almost invariably in the hortatory sections. On the historical section see below on *v.* 7*b*. Both it and the hortatory portions bear marks of expansion by editorial hands.

1. *Hear, O Israel*] vi. 4.

go in to possess nations greater and mightier than thyself, cities great and fenced up to heaven, a people great and tall, 2
the sons of the Anakim, whom thou knowest, and of whom
thou hast heard say, Who can stand before the sons of
Anak? Know therefore this day, that the LORD thy God is 3
he which goeth over before thee as a devouring fire; he
shall destroy them, and he shall bring them down before
thee: so shalt thou drive them out, and make them to
perish quickly, as the LORD hath spoken unto thee. Speak 4
not thou in thine heart, after that the LORD thy God hath
thrust them out from before thee, saying, For my righteous-
ness the LORD hath brought me in to possess this land:
whereas for the wickedness of these nations the LORD doth

thou art to pass over Jordan this day] Similarly xxx. 18 (and cp. ii. 18), Sg.; iv. 14, 26, xi. 31, xxxi. 13, Pl., but apparently editorial.

to possess] or **dispossess.** ii. 12, 21 f., xi. 23, xii. 2, 29, xviii. 14, xix. 1, xxxi. 3, with personal object as here. For another form of same vb. see on iv. 38.

nations greater and mightier than thyself] So iv. 38 also Sg.; xi. 23, Pl.: cp. Jos. xxiii. 9.

cities...fenced, etc.] See on i. 28.

2. *great and tall...Anakim*] See on i. 28.

whom thou knowest, etc.] vii. 15; *and hast heard say*, i. 28; Num. xiii. 28.

3. *Know therefore*] See on vii. 9.

he which goeth over before thee] xxxi. 3 (cp. Jos. iii. 11).

a devouring fire] Only here and iv. 24.

he shall destroy...and he] *he* emphatic.

bring them down before thee] In D the verb is found only here: it is used also of the subjection of Israel's enemies in the deuteronomic Judg. iii. 30, iv. 23, viii. 28, the late passage 1 Sam. vii. 13, and otherwise only in late writers; except for Judg. xi. 33 and 2 Sam. viii. 1 which may be pre-deuteronomic.

quickly] Omitted by LXX B, but otherwise confirmed. See on vii. 22.

as the LORD hath spoken unto thee] Ex. xxiii. 23 (edit.), 27 (E).

4. *Speak...in thine heart*] See on viii. 17.

thrust them out] See on vi. 19.

For my righteousness] Here ethical: contr. vi. 25.

whereas for the wickedness...from before thee] The whole clause is wanting in LXX B and seems a gloss or expansion anticipating the next *v.* and weakening the connection (Valeton, Dillm., Driver, Steuern., Berth.).

5 drive them out from before thee. Not for thy righteousness,
or for the uprightness of thine heart, dost thou go in to
possess their land: but for the wickedness of these nations
the LORD thy God doth drive them out from before thee,
and that he may establish the word which the LORD sware
unto thy fathers, to Abraham, to Isaac, and to Jacob.
6 Know therefore, that the LORD thy God giveth thee not
this good land to possess it for thy righteousness; for thou
7 art a stiffnecked people. Remember, forget thou not, how
thou provokedst the LORD thy God to wrath in the wilder-
ness: from the day that thou wentest forth out of the land of

5. *dost thou go in to possess*] Characteristic of the Sg. passages.

the wickedness of these nations] *wickedness* the direct opposite of *righteousness*; in disputes as to justice the *wicked* is the man who is in the wrong (xxv. 1; Ex. ii. 13 (J), xxiii. 1, 7 (E), see note; Is. v. 23); so wickedness in xxv. 2. Both adj. and noun are largely used especially in later writings of all in opposition to Jehovah and His people; but the terms also cover a wider ethical range, Ezek. xviii. 27, xxxiii. 19, etc. Here, therefore, the wickedness of these nations will primarily mean their refusal to acknowledge the true God, but implicitly the immorality and ethical uncleanness of their rites: to which recent excavations at Gezer and elsewhere bear testimony. See what is said on *abomination* vii. 25: here it is clearer that more than ritual unrighteousness is intended.

thy God] Sam. and LXX B omit.

establish the word, etc.] See on viii. 18: *establish the covenant*, etc. It is true that the people must fulfil their side of the covenant by obedience to its laws without which they shall not receive these material blessings in the land; but God made the covenant out of His own free will, vii. 7, and will keep it because of His faithfulness, vii. 9, and not because of any merit of the people.

which the LORD sware] Sam. and LXX B etc.: *which he sware*.

6. *Know therefore*] See on vii. 9: the verse begins by giving the conclusion of the previous proof, but adds also another—

for thou art a stiffnecked people] Apparently first used of Israel (in connection with the golden calf) in J, Ex. xxxiii. 3, xxxiv. 9 (Ex. xxxii. 9, xxxiii. 5 are editorial); then here and *v.* 13: cp. x. 16, xxxi. 27. Cp. Is. xlviii. 4: *thou art obstinate, thy neck is an iron sinew*: the figure is of an animal refusing to turn in the direction his rider desires.

7. *Remember, forget thou not*] More musical without the intervening *and* which Sam. inserts.

thou provokedst...to wrath] See on i. 34.

7*b*. It is in this clause that the Sg. form of address ceases and the Pl. begins, to continue up to x. 9 or 11. Coincidently exhortation is

Egypt, until ye came unto this place, ye have been rebellious against the LORD. Also in Horeb ye provoked the LORD 8
to wrath, and the LORD was angry with you to have destroyed you. When I was gone up into the mount to 9

replaced by a historical retrospect: a retrospect similar to the discourse in chs. i.—iii., not merely by being couched in the Pl. as that also is, but by other features of its style and by its dependence (even more full and literal) on JE. With no reference to the P narrative with which the JE has been interlaced, Ex. xxiv. 12—xxxi. it is supplementary to i.—iii. for it gives an account of the legislation at Horeb, which that discourse lacks. On these grounds the section has been assigned to the same author as i.—iii. (Horst, Bertholet, etc.); while Steuern. takes it as the continuation of the Pl. discourse in ch. v., and as having originally formed with that the introduction to the Law Code by the writer who used the Pl. address throughout (see Introd.). On this compare supplementary note at the end of the section; and for possible additions especially in *vv.* 10—14 see the separate notes. Driver, *Deut.* 112, gives a comparative table of the section and the corresponding passages in JE on which it is based. Notice how the divine title is given simply as *Jehovah* without the usual deuteronomic addition *thy God* (nowhere except in ix. 16, 23). The style of the section is instructive both as to the way in which the original deuteronomic writer expanded JE and subsequent editors made further expansion by the addition of deuteronomic formulas.

Sam. and LXX differ from Heb. as to where the Pl. begins, reading *ye went forth* for *thou wentest forth*: possibly original, the Heb. Sg. being due to the omission of a consonant before its double in the next word[1]; and the transition being more likely just here. Whether 7*b* and even 8 as Steuern. supposes are from the hand of the editor who joined the originally separate sections is uncertain. Notice in 7*b*, 8 phrases which like the rest of this Pl. section recall chs. i.—iii.

until ye came unto this place] i. 31.

ye have been rebellious against **Jehovah**] *been acting rebellion* (part. with auxil. verb: a frequent constr. in Deut.) *with* (i.e. in your dealings with) *Jehovah*. The same constr. *v.* 24, xxxi. 27. A different constr. of same verb i. 26 *q.v.*

8. Even (or particularly) *in Horeb*] The most notorious rebellion of all. Here begins the recital of the sin of the golden calf as in Ex. xxxii.—xxxiv., JE.

provoked, etc.] *v.* 7.

was angry] See on i. 37.

9. Based on Ex. xxiv. 13, 15*a*, 18*b*, E, xxxiv. 28, J, this verse omits E's reference to the elders and Aaron, Ex. xxiv. 14, and of course has no reference to the interlaced sentences of P, *id.* 15*b*—18*a*; to *the*

[1] Does the Pasaḳ in the Massoretic text indicate a lost letter?

receive the tables of stone, even the tables of the covenant which the LORD made with you, then I abode in the mount forty days and forty nights; I did neither eat bread nor
10 drink water. And the LORD delivered unto me the two tables of stone written with the finger of God; and on them *was written* according to all the words, which the LORD spake with you in the mount out of the midst of the fire in
11 the day of the assembly. And it came to pass at the end of forty days and forty nights, that the LORD gave me the
12 two tables of stone, even the tables of the covenant. And the LORD said unto me, Arise, get thee down quickly from hence; for thy people which thou hast brought forth out of Egypt have corrupted themselves; they are quickly turned aside out of the way which I commanded them: they have
13 made them a molten image. Furthermore the LORD spake

tables of stone it adds *even the tables of the covenant*, etc. (*vv.* 11 and 15: see iv. 13 and v. 22 *tables of stone* only, and cp. v. 2); the last fact, *I did neither eat bread nor drink water*, was either transferred by D from J's story of Moses' second ascent of the Mount, Ex. xxxiv. 28; or was found by him in E's story of the first ascent from which it has now disappeared. Cp. Matt. iv. 2.

10. *tables of stone written with the finger of God*] Taken exactly from Ex. xxxi. 18*b*, E: the divine name is not changed to the usual *the LORD thy God*. With His own voice, face to face, God spake the words of the covenant (iv. 12 f., v. 4) and now with His own finger wrote them. Thus by a double metaphor is the directly divine origin and supreme sanctity of the Ten Words emphasised.

all the words, which the LORD **had spoken**] Ex. xxiv. 3, E.

out of the midst of the fire] iv. 12, v. 4, 22.

day of the assembly] x. 4, xviii. 16. See note on v. 22.

The verse seems superfluous after 9 and before 11, and is regarded as a later intrusion (Steuern., Berth.). Note that—

11 follows naturally on *v.* 9.

12. Taken from E, Ex. xxxii. 7, 8*a* (on which see notes) with the addition of *quickly from here* and the substitution of *brought forth* (D's favourite expression) for *brought up*; and the omission of *calf*.

corrupted themselves] iv. 16, 25, xxxi. 29 also Pl. passages: while the Sg. passages use one form of the verb only in the sense to destroy: iv. 31, x. 10, xx. 19, 20: cp. ix. 26.

the way] See on v. 33. Here the particular reference is to the 2nd commandment.

a molten image] Heb. *a molten* (thing), Ex. xxxii. 4, 8 *molten calf*. Steuern. takes this *v.* as another doublet superfluous before 13, and,

unto me, saying, I have seen this people, and, behold, it
is a stiffnecked people: let me alone, that I may destroy 14
them, and blot out their name from under heaven: and
I will make of thee a nation mightier and greater than they.
So I turned and came down from the mount, and the 15
mount burned with fire: and the two tables of the cove-
nant were in my two hands. And I looked, and, behold, 16
ye had sinned against the LORD your God; ye had made
you a molten calf: ye had turned aside quickly out of the
way which the LORD had commanded you. And I took 17
hold of the two tables, and cast them out of my two hands,
and brake them before your eyes. And I fell down before 18
the LORD, as at the first, forty days and forty nights; I did

along with *v.* 10 when compared with the expanded Heb. text of Ex. xxxii. 7—9 (of which the LXX omits parts), illustrative of the manner in which an editor expanded parallel passages with each other's contents. But the superfluity of the *v.* is not so apparent. Some mention of the molten image seems necessary here.

13. *stiffnecked*] See on *v.* 6.

14. *let me alone*] *desist from me*; Ex. xxxii. 10 *let me rest*, give me peace.

destroy] See on i. 27.

blot out their name, etc.] xxix. 20, xxv. 19: cp. synonym in vii. 24 *q.v.* Not in Ex. xxxii. 10.

a nation mightier and greater] Expansion of *great nation*, Ex. xxxii. 10. This whole *v.* is illustrative of the expansive style of D. Bertholet sees the immediate continuation of the *v.* in x. 10 and points out how excellently *v.* 15 follows on *v.* 12. This would account for the omission of Moses' first intercession while still on the Mount, Ex. xxxii. 11—14.

15. *So I turned and came down*, etc.] Ex. xxxii. 15.

and the mount burned with fire] A circumstantial clause: *the mount* all the time *burning with fire*: not in Ex. In the next clause D adds *two* to *hands*.

16 a. Substantially the same as Ex. xxxii. 19 *a*.

16 b. Purely deuteronomic tradition: see *v.* 12 *b*.

17. Vivid variation and expansion of Ex. xxxii. 19 *b*: *and Moses' anger waxed hot and he cast the tables out of his hands and brake them beneath the mount*.

18. *as at the first*] Refers to what follows it—the length of time and the fasting—not to what precedes—the falling down before God. This intercession seems to be the same as that described in x. 10 and 'anticipated here on account of its importance in the argument' (Driver). Cp. Ex. xxxii. 30 which says that *on the morrow* of his meeting with the people Moses returned to the Mount to intercede for them with

neither eat bread nor drink water; because of all your sin
which ye sinned, in doing that which was evil in the sight
19 of the LORD, to provoke him to anger. For I was afraid of
the anger and hot displeasure, wherewith the LORD was
wroth against you to destroy you. But the LORD hearkened
20 unto me that time also. And the LORD was very angry
with Aaron to have destroyed him: and I prayed for Aaron
21 also the same time. And I took your sin, the calf which ye
had made, and burnt it with fire, and stamped it, grinding
it very small, until it was as fine as dust: and I cast the
dust thereof into the brook that descended out of the
22 mount. And at Taberah, and at Massah, and at Kibroth-
23 hattaavah, ye provoked the LORD to wrath. And when the
LORD sent you from Kadesh-barnea, saying, Go up and
possess the land which I have given you; then ye rebelled
against the commandment of the LORD your God, and ye
24 believed him not, nor hearkened to his voice. Ye have

God; and Ex. xxxiv. 9 which says that he again interceded in the second forty days which he spent on the Mount. Which of these is intended here?

all your sin] Sam., LXX: *sins.*

in doing that which was evil, etc.] iv. 25.

to provoke him] A different verb from that in *vv.* 7, 8, and the same as in iv. 25 (*q.v.*), xxxi. 29; and not so characteristic of D as the other.

19. *For I was afraid*] or *trembled* xxviii. 60.

that time also] Obscure, and probably an editorial addition, unless the reference is to *v.* 10 or to Ex. xv. 25, xvii. 4 f. and other occasions. It is possible there was originally no mention of God's answer here. It seems a little premature for the purpose of the discourse; and may have been added from x. 10.

20. To this there is no reference in Exodus.

21. Characteristically expanded, with variations, from Ex. xxxii. 20: one item in the latter, *and made the children of Israel drink of it*, is omitted.

22, 23. Other instances of Israel's rebelliousness: *Tab'erah*, 'Burning-place,' because fire broke out on them there, Num. xi. 1—3, E; *Massah*, 'Proof,' for there they put God to the proof, Ex. xvii. 7, J; *Kibroth-hat-ta'avah*, 'Graves of Lust,' Num. xi. 31—34, J.

ye provoked, etc.] As in *vv.* 7, 8.

Kadesh-barnea] See on i. 19 f.

ye rebelled, etc.] As in i. 26 *q.v.*

24. *Ye have been rebellious*] As in *v.* 7.

been rebellious against the LORD from the day that I knew you. So I fell down before the LORD the forty days and 25
forty nights that I fell down; because the LORD had said he would destroy you. And I prayed unto the LORD, and 26
said, O Lord GOD, destroy not thy people and thine inheritance, which thou hast redeemed through thy greatness, which thou hast brought forth out of Egypt with a mighty hand. Remember thy servants, Abraham, Isaac, and Jacob; 27
look not unto the stubbornness of this people, nor to their wickedness, nor to their sin: lest the land whence thou 28
broughtest us out say, Because the LORD was not able to bring them into the land which he promised unto them, and because he hated them, he hath brought them out to slay them in the wilderness. Yet they are thy people and 29
thine inheritance, which thou broughtest out by thy great power and by thy stretched out arm.

25. *So I fell down*, etc.] Having recounted in *vv.* 22—24 the accumulated burdens of the people's sins (there is therefore no need to doubt the originality of these verses, as Steuernagel does) under which he fell down, the speaker returns to the fact of his falling; and in—

26—29. *And I prayed*, etc.] details his intercession. Cp. Ex. xxxii. 11—13, JE, but probably editorial. Here the deuteronomic additions are *which thou hast redeemed through thy greatness* (*greatness* in Pl. passages v. 24, here and xi. 2); *look not unto the stubbornness of this people, nor to their wickedness* (the masc. noun, while the fem. is used in *vv.* 4, 5), *nor to their sin*; *great power and stretched out arm* (see on iv. 34); and there are some variations.

CH. X. 1—3. THE HEWING OF NEW TABLES OF STONE AND THE MAKING OF THE ARK.

The account of the former is extracted verbally from Ex. xxxiv. 1—4, JE, which adds other details, but has now no mention of the making of the Ark. It is, however, more than probable and 'practically certain' that D derived his words about the Ark, equally with those on the tables, from the original text of JE, and that they were afterwards omitted from JE 'by the compiler as inconsistent with the more detailed particulars, which he preferred, contained in the narrative of P.' So Driver, *Exodus* (in this series), p. 366. For the full argument see that note and also the introd. to the vol., p. lxvii f., and the note, pp. 278—280, on the religious ideas associated with the Ark and opinions as to its possible origin. In addition, it is only necessary to state here that the

10 At that time the LORD said unto me, Hew thee two tables
of stone like unto the first, and come up unto me into the
2 mount, and make thee an ark of wood. And I will write on
the tables the words that were on the first tables which thou
3 brakest, and thou shalt put them in the ark. So I made an
ark of acacia wood, and hewed two tables of stone like unto

date of the disappearance of the Ark from Israel's central sanctuary is not known. No Ark was in the Second Temple, but whether it had perished in the fall of Jerusalem, 587 B.C. (cp. 2 Esdr. x. 22), or even earlier, and therefore was not existent in the time of the deuteronomists (as may be inferred from the absence of any mention of it in the history after Solomon, and in the Prophets except for the quite ambiguous Jer. iii. 16) is uncertain. See A. R. S. Kennedy, 'Ark' in Hastings' *D.B.* (I. 150) and the present writer's *Jerusalem*, II. 256, 306 f. Its absence from the Second Temple, in harmony with Jer. iii. 14—18, is in curious contrast to the very developed conception of the Ark in P, which raises interesting questions that cannot be pursued here.

1. *Hew thee two tables of stone like unto the first*] So Ex. xxxiv. 1 *a*, J E.

and come up unto me into the mount] So probably in the original E; J has, *come up in the morning unto Mt Sinai and present thyself to me*, etc., followed by a command to keep the Mount free of men and cattle, Ex. xxxiv. 2, 3.

and make thee an ark of wood] Almost certainly from the original E; see general note above. *Ark* or *chest*, so in Assyr. and Arabic, cp. 2 Kgs xii. 9 f., a chest for the temple-offerings, a money box; in Phoen. a coffin or sarcophagus, and so in Gen. l. 26. *Of wood*, in P, Ex. xxv. 10—16, of acacia wood (as below in *v.* 3) with the dimensions $2\frac{1}{2} \times 1\frac{1}{2} \times 1\frac{1}{2}$ cubits, to be overlaid, in and out, with pure gold, with a moulding and rings of gold, and staves of acacia wood likewise overlaid with gold. A great contrast to the very simple statement of D.! Further, according to P, the divine direction is not that Moses shall make the Ark, but that *they* shall make it.

2. *And I will write...which thou brakest*] So exactly Ex. xxxiv. 1 *b*, E; cp. above v. 22, and *tables of the covenant*, ix. 9, 11.

and thou shalt put them in the ark] Not now in E for the reasons given above. Hence D's name, *the ark of the covenant*. See above on p. 64. For the same reason P calls the tables *the tables of*, and the Ark *the Ark of, the testimony*.

3. *So I made an ark of acacia wood*] Not now in JE, see above. P, Ex. xxv. 10, xxxvii. 1, *Bᵉsal'el made the ark of acacia wood*.

acacia wood] *planks of shittim*, the plur. of the tree *shittah = shinṭah*, Ar. 'sant,' a name given to several species of the thorny acacia; in Egypt to 'A. (mimosa) Nilotica' (Lane, *Ar. Eng. Lex.*); and by the Arabs of the Desert of the wanderings of Israel to the 'A. tortilis' and 'A. laeta' (Hart, *Fauna and Flora of Sinai, Petra and W.*

the first, and went up into the mount, having the two tables in mine hand. And he wrote on the tables, according to 4
the first writing, the ten [1]commandments, which the LORD spake unto you in the mount out of the midst of the fire in the day of the assembly: and the LORD gave them unto me. And I turned and came down from the mount, and put the 5
tables in the ark which I had made; and there they be, as

[1] Heb. *words*.

Arabá, 52). More probably the former, an upright tree, 10 or 15 feet high, with a thick trunk and occasionally very numerous (e.g. a grove of acacias, chiefly 'tortilis,' ten miles long in the Arabah, *id.* 31, cp. 8, 12, 92, and found on W. el Ithm, by which Israel probably passed to the Edomite plateau); the 'A. laeta' is a tropical tree found only in the Ghor, and there seldom. Both Tristram (*Nat. Hist. of the Bible*, 298 f.) and Post (*Flora*, 298 f. and art. 'Shittah' in Hastings' *D.B.*) identify the Shittah tree with the Seyyâl acacia, but this is never called 'Sunt' by the Beduin to-day, and indeed is distinguished by them from 'Sunt' (Hart, *op. cit.* 52). Doughty mentions an acacia, called by the modern inhabitants of the Arabian peninsula 'tolh,' the only acacia wood which is not brittle, and is used by the Solubba, or tribe of smiths and carpenters, for saddle-trees and frames and vessels for milk, and also on the Arabian coast for ship-building (*Arabia Deserta*, I. 280, II. 91, 678).

and hewed two tables of stone like unto the first] So Ex. xxxiv. 4 *a*, JE.

and went up into the mount, **with** *the two tables in mine hand*] So substantially Ex. xxxiv. 4 *b*, J.

4. *And he wrote on the tables...the ten* **words**] Ex. xxxiv. 28, J. This adds *the words of the covenant*, for which D has *according to the first writing*, cp. ix. 10.

the ten **words**] See above p. 81.

in the mount out of the midst of the fire] Above ix. 10.

in the day of the assembly] See on ix. 10, v. 22.

5. *And I turned and came down from the mount*] So ix. 15 and Ex. xxxii. 15, E, but of Moses' first descent with the tables.

and put the tables in the ark] This also certainly from the original form of E; see above, general note on *vv.* 1—3. P, Ex. xl. 20 has *put the testimony in the ark*.

and there they be] Whether this is said in accommodation to the date of the speaker, or as still true of the writer's time in the seventh century, is uncertain. See above, the general note on *vv.* 1—3. All that is certain is that such was the fact till at least the time of Solomon, cp. 1 Kgs viii. 9.

6. 7. Interruption of the address by a piece of narrative, recording certain stations of Israel with Aaron's death and Eleazar's succession, in

6 the LORD commanded me. (And the children of Israel journeyed from [1]Beeroth Bene-jaakan to Moserah: there Aaron died, and there he was buried; and Eleazar his son
7 ministered in the priest's office in his stead. From thence they journeyed unto Gudgodah; and from Gudgodah to
8 Jotbathah, a land of brooks of water. At that time the

[1] Or, *the wells of the children of Jaakan*

which Israel are spoken of in the 3rd pers., and the phraseology is not deuteronomic. Obviously the fragment of an old itinerary. Although the names it contains are also found in an itinerary given by P, Num. xxxiii., they occur here in a different order; another name is given to the death-place of Aaron than P gives, nor do we find P's usual formula for Israel on the march *they journeyed from...and pitched at....* The fragment is therefore from another source than P. That this was E (D's main source) is almost certain. The fragment uses E's formula, *they journeyed from thence to...*, and may originally have formed part of the same itinerary of E, from which there are fragments in Num. xxi.; E, too, assumes the succession of Eleazar to Aaron, Jos. xxiv. 33, and therefore probably had already mentioned this. (So already Vatke, *Einl. i. d. A. T.* 377 f., 383; but more fully Bacon, *Triple Tradition of Exodus*, 207 f., 257 f., 343 f. So, too, Driver, Steuern., Bertholet, and Marti on this passage, and Cornill, *Einleitung*). Why the fragment should be inserted here is not clear, unless the historical retrospect originally concluded with x. 5. It seems more in place after *v.* 11, but may owe its position here to the design of some editor to ascribe the consecration of the tribe of Levi to a later date than Horeb, in the attempt to harmonise the conflicting data of D and P concerning the tribe of Levi and the priesthood. For other explanations see Driver's *Deut.* 120.

6. *children of Israel*] Non-deuteronomic; see on iv. 44.

Beeroth Bene-jaakan] *Wells* of the tribe so-called; in P, Num. xxxiii. 31, the place name is simply that of the tribe, without *wells*. 'Akan, Gen. xxxvi. 27 = Ya'akan, 1 Chr. i. 42, was a Horite tribe. The place would probably be in the 'Arabah.

Moserah] Num. xxxiii. 31, *Moserôth*; the place is unknown.

there Aaron died, and there he was buried] This happened at Mt Hor acc. to P, Num. xx. 28, xxxiii. 38.

and Eleazar his son, etc.] P, Num. xx. 25—28, xxxii. 2, 28; but see above, general note.

7. *From thence they journeyed*] E's formula, Num. xxi. 12, 13.

Gudgodah to Jotbathah] P, Num. xxxiii. 32 f.; Hor-haggidgad and Yotbathah—unknown. Both names are possibly derived from the character of the landscape. Ar. 'gadgad' is hard, level ground; and Yotbah, or Yotbathah, is probably goodliness or pleasantness: *a land of*

LORD separated the tribe of Levi, to bear the ark of the

brooks of water. On all these names Doughty's remarks (*Ar. Des.* I. 49) are instructive :

'Here a word of the camping grounds of Moses: all their names we may never find again in these countries,—and wherefore? Because they were a good part passengers' names and without land-right they could not remain in the desert, in the room of the old herdsmen's names. There is yet another kind of names, not rightly of the country, not known to the Beduins, which are *caravaners' names*. The caravaners passing in haste, with fear of the nomads, know not the wide wilderness without their landmarks; nor even in the way, have they a right knowledge of the land names. What wonder if we find not again some which are certainly caravaners' names in the old itineraries.'

8, 9. The setting apart of the tribe of Levi to bear the Ark and perform other priestly functions. It is not wholly certain whether this passage belongs to the address itself or is another intrusion ; yet with its opening clause (cp. *v.* 1) the deuteronomic phraseology is resumed, and the appointment of the bearers of the Ark follows naturally upon 1–5, which record the making of the Ark ; see further on *v.* 8. The general question arising from the difference between the data of Deut. (and the pre-deuteronomic writers) and those of P regarding the tribe of Levi and the offices here assigned to the whole tribe, will be more suitably discussed later on.

8. *At that time*] Cp. ix. 20, x. 1. If, as we have seen to be most probable, *vv.* 6, 7 are a later intrusion and out of place where they stand, *that time* is not that of the sojourn at Yotbathah after Aaron's death (though the editor who inserted *vv.* 6, 7 may have meant to imply this ; see the general note to these *vv.*), but the time at Horeb (x. 1). This conclusion is confirmed (*a*) by the subsequent *v.* 10, in which the retrospect still rests on Horeb ; (*b*) by the natural connection between the mention of the making of the Ark and that of the appointment of its bearers ; (*c*) by the fact that another line of tradition, P, assigns to Horeb the consecration of Levites to priestly duties, and also makes this follow the order to build the ark (and sanctuary) ; and (*d*) because, although no such setting apart is recorded in JE, these lines of the tradition may also have originally contained it and even hint at it in Exod. xxxii. 29, immediately after the account of the zeal of *all the sons of Levi* in the punishment of the people's apostasy with the golden calf (see Dillmann on that and on this passage ; also Driver's note on Ex. xxxii. 29).

the LORD separated] **set apart**, with a solemn religious sense, as for Himself ; the verb is used when He takes Israel from other peoples, Lev. xx. 24 (H) ; or when Moses is directed to separate the Levites from the midst of the children of Israel, Num. xvi. 9 (P), *that the Levites may be mine*, Num. viii. 14 (P) ; or of the separation of the cities of refuge, iv. 41, xix. 2, 7 ; and even of separating a person to evil, xxix. 21 (20), and putting aside beasts that are unclean, Lev. xx. 25.

the tribe of Levi] Unambiguous, leaving no question possible as to

covenant of the LORD, to stand before the LORD to minister

whether they are meant in part or whole—a question which would have arisen had the term *the Levites* (in view of its narrower meaning in P) been used. Cp. xviii. 1, *all the tribe of Levi*.

to bear the ark of the covenant of the LORD] D's name for the Ark; see on *v.* 2. The O.T. data of the bearing of the Ark are summarily these. In JE, Jos. iii. 6, *the priests* bear the Ark; and the *priests* bear it also at the consecration of Solomon's Temple, 1 Kgs viii. 3, 6. Here in D the office is assigned to the whole (see above) *tribe of Levi*. These terms are combined in xxxi. 9 according to which the Ark is borne by *the priests the sons of Levi*; cp. the deuteronomic verse, Jos. iii. 3, *the priests the Levites bearing it*. But in P, Num. iv. 1, 4, 15, the bearing of the Ark is specially allotted to one clan of Levi, the Kohathites, who are distinguished from *the priests*—in P, Aaron and his sons—by being forbidden to perform the more sacred priestly functions, Num. iv. 15, 17—20. Clearly then P differs from D, in which the whole tribe of Levi is regarded as priests and as such carry the Ark, besides performing the other more sacred functions which now follow.

to stand before the LORD to minister unto him] Both vbs, which are used of a servant's attitude and duty to his human master (*stand before*, 1 Kgs x. 8; *minister*, Gen. xxxix. 4) are also employed (with and without the name of God, and either together or separately), specially to express religious service and in particular the distinctive office and functions of the priests, xvii. 12 (*before Jehovah*); Jud. xx. 28 (before the Ark), Ezek. xliv. 15; 2 Chron. xxix. 11. In D these are laid upon the whole tribe of Levi as here, in xviii. 5, 7, *God hath chosen him*, Levi, *out of all thy tribes to stand to minister in the name of Jehovah, him and his sons for ever*; and xxi. 5, *the priests the sons of Levi...for them hath Jehovah chosen to minister unto him*. P uses the phrase *to stand before Jehovah* neither of the priests nor of the Levites, but says that *the Levites stand before the congregation*. The verb *to minister* (*shārēth*) P, both of Aaron and his sons, the priests, and of the Levites. Of the priests either absolutely Ex. xxviii. 35, xxxix. 26, or *within the holy place* xxviii. 43, xxix. 30, xxxix. 1, and *in the priests' office* xxxv. 19, xxxix. 41; or *of their ministry of the altar*, i.e. the sacrifices, xxx. 20; and only once with regard to God Himself, xxviii. 41, *to minister unto me*. Of the Levites P never uses *to minister to Jehovah*; but either *to minister* alone, Num. iii. 31; or to the camp, iv. 9; or in the sanctuary, iv. 12, cp. i. 50; or at the altar (in preparing it for the priests), iv. 24; or to Aaron, xviii. 2. P and D then differ thus, that while D uses the double phrase, *stand before and minister to Jehovah* of the whole tribe of Levi, P says that the Levites *stand before the congregation*, and uses the phrase *minister to Jehovah* only of the priests, and intends by it the most sacred priestly functions of sacrifice, etc., the Levites' ministering being confined to less sacred duties in

unto him, and to bless in his name, unto this day. Where- 9
fore Levi hath no portion nor inheritance with his brethren;
the LORD is his inheritance, according as the LORD thy
God spake unto him.) And I stayed in the mount, as at 10

regard to the care of the fabric of the Tabernacle and the Camp and in assisting the priests.

to bless in his name] So xxi. 5 again of the sons of Levi, the priests. This is another of the distinctive priestly duties (though sometimes discharged by kings, 2 Sam. vi. 18; 1 Kgs viii. 14, 55). It is twice assigned by P to Aaron: Lev. ix. 22, Num. vi. 23; and it is included in 1 Chr. xxiii. 18 among the offices to which Aaron was set apart.

unto this day] Cp. *for ever* in xviii. 5.

Our detailed examination of this verse, and other O.T. passages relevant to the subject, makes it clear that in the Book of Deuteronomy all *the tribe of Levi* or *sons of Levi* are regarded as priests; and that every son of Levi, or Levite, could perform the distinctive priestly functions; whereas in P all these functions are limited to Aaron and his sons, except the bearing of the Ark, which is assigned to a Levite clan the Kohathites; while *Levite* has become a technical name for the non-Aaronic members of the tribe, to whom priestly functions were forbidden and who had less sacred duties about the altar and sanctuary. These distinctions are unknown to D: to him Levites and priests are identical terms. It is impossible to suppose that D silently presupposed the distinctions in P. There is not the slightest sign anywhere in his language that this was the case. On the contrary his addition, that the exercise of the priests' office by all Levites continued to his own day and was *for ever* proves that he did not know P. And this is confirmed with its consequence, a late date for P, by the evidence of the earlier historical writings and especially by a comparison of Samuel and Kings with Chronicles. See further Chapman in *Int. to the Pent.* (in this series), pp. 154 ff., and App. VII. 5 and cp. below on xviii. 1–8.

9. *Wherefore*] i.e. because of God's separation of the tribe to Himself.

Levi hath no portion nor inheritance] xii. 12, xiv. 27, 29, xviii. 1 f. In P of Aaron Num. xviii. 20.

the LORD is his inheritance] What this means is defined in xviii. 1, *they shall eat the offerings of Jehovah made by fire, and his inheritance*; details follow in 3 f.

according as...spake unto him] This is not recorded in the Pent., but may have been found in the original form of JE; see on *v.* 8. LXX om. *the LORD thy God*, and so relieves the text from one of the two instances of the Sg. address in this section.

10, 11. These *vv.* present no little difficulty alike by their position, their language and their substance. They are separated from the historical retrospect by *vv.* 6–9. They are in the Sg. address, while it is in the Pl. Do they belong to it, or to *vv.* 12 ff., which continue

the first time, forty days and forty nights: and the LORD hearkened unto me that time also; the LORD would not
11 destroy thee. And the LORD said unto me, Arise, take thy journey before the people; and they shall go in and possess the land, which I sware unto their fathers to give unto them.

the hortatory discourse? They record an intercession by Moses, and compare it with a previous intercession or intercessions. Is this identical with one of those recorded in the historical retrospect or a fresh one? The explanations have been many and various, but may be grouped under three heads: (*a*) *v.* 10 is secondary, the result of various attempts by scribes, working on Ex. xxxii.—xxxiv. and this passage, to arrange the different references to intercessions by Moses; while *v.* 11 *a* is the continuation of *v.* 5 and the conclusion of the historical retrospect (Steuernagel); (*b*) *vv.* 10, 11 are the natural sequel to ix. 13, 14, and with these form a summary narrative parallel to the rest of ix. 9 ff.; they belong not to the retrospect, but to the hortatory discourse continued in *vv.* 12 ff. (Bertholet, who omits with LXX the troublesome words *as at the first time*). These arguments, though ingenious, are not convincing. On the whole, the most probable explanation is (*c*) that which takes *v.* 10 as a natural recapitulation of ix. 18 ff., carried in *v.* 11 to its proper conclusion. This view is supported by the possible Heb. pluperfect in *v.* 10, *I had stayed*; by the repetition from ix. 19 of the words: 'and Jehovah hearkened unto me at that time also' (yet see on ix. 19 *b*); by the fact that it was natural to repeat these words once again after the prayer ix. 26—29, which otherwise remains without answer to it being recorded; and by the unfinished condition in which the retrospect would be left without *v.* 11 (Steuern.'s instinct is right in retaining at least *v.* 11 *a*). The single Sg. *would not destroy thee* is a difficulty, but may be explained as due to the attraction of the neighbouring Sg. in *vv.* 12 ff. Almost all MSS of LXX have *you*.

10. *And I stayed*] The Heb. may well be translated, *And I had stayed*.

as at the first time] om. by LXX.

11. *take thy journey*] *get thee to thy journey*, lit. *to thy breaking of camp*. See on ii. 1.

CHS. X. 12—XI. FINAL EXHORTATIONS, INTRODUCTORY TO THE LAWS.

Enforced by the preceding Retrospect, the discourse continues to urge its practical conclusions of full fear and love to God, by worshipping and obeying Him (12 and 13); because, though all heaven and earth is His, He was pleased to love the fathers of Israel and to choose their posterity (14, 15). Changing to the Pl. address the discourse urges Israel to circumcise their hearts and be no more

And now, Israel, what doth the LORD thy God require of 12

stiffnecked, for their God is the greatest God and Lord, mightiest and most terrible and absolutely impartial (16, 17). He secures justice for the widow and orphan and loves the stranger, as Israel, themselves strangers in Egypt, must do (18, 19). Returning to the Sg. exhortations follow to fear, worship, and cleave to Jehovah, for He is Israel's God who has done all these mighty things for the people, and out of seventy individuals who went down to Egypt, made them a multitude like to the stars; therefore loving God they shall keep His commandments (20—xi. 1). Once more in the Pl., Israel are reminded of the discipline of God, which they themselves have experienced in their deliverance from Egypt and guidance through the desert, and in the punishment for rebellion of Dathan and Abiram (2—7); therefore they shall keep the commandment, that they may be strong, possess the land and prolong their days upon it (8, 9). Oscillating between Sg. and Pl. there follows a description of the distinction of the land from the flat and rainless Egypt, irrigated from the Nile by the foot of man: it is a land whose water comes from heaven and God's eyes are always upon it (10—12); if Israel observe His commandments (here the discourse passes from Moses to the person of the Deity), He will give the rains in their seasons and fulness of crops (13—15). Let them not turn away from Him to other gods, lest in His anger He send drought and they perish (16, 17). Therefore they shall lay His words to heart, bind them as signs on their hands and brows, teach them to their children, and write them by their doors and gates that their days, and their children's, may be long in the land (18—21). For if they keep all his commandments (the discourse is already again in the person of Moses) God will expel all these nations and give them every part of the land they tread, from the desert to Lebanon and from the Euphrates to the Western Sea (22—25). The speaker, in short, has set a blessing and a curse before Israel on conditions respectively, and they shall put them up on Gerizim and Ebal on the other side of Jordan, which they are about to cross and then they must keep all the statutes and judgments now to be delivered to them (26—32).—So we reach the close of the discourses introductory to the Laws. The frequent changes between the Sg. and Pl. forms of address, sometimes coinciding with transitions to subjects not always relevant to the main theme of the discourses, are proof of the composite character of this closing section; and after the text (which, as the versions show, is by no means certain) has been corrected, furnish material for the question whether it is possible to discriminate two original discourses, introductory to the Code, one Sg. the other Pl., or whether the changes of address may be explained by the expansion of one original at the hands of editors.

12, 13 sum up once more the main demand of the discourses.

12. *And now*] in conclusion; in the same way opened the concluding stage of the first discourses, iv. 1.

What doth...require of thee] *what is...asking of thee.* Cp. Mic. vi. 8,

thee, but to fear the LORD thy God, to walk in all his ways,
and to love him, and to serve the LORD thy God with all thy
13 heart and with all thy soul, to keep the commandments of
the LORD, and his statutes, which I command thee this day for
14 thy good? Behold, unto the LORD thy God belongeth the
heaven and the heaven of heavens, the earth, with all that
15 therein is. Only the LORD had a delight in thy fathers to

seeking from thee. The force of the question lies in this, that it is nothing impossible or extraordinary or complicated, that God demands, but what is simple and within the people's duty.

to fear] iv. 10 (*q.v.*), vi. 2, 13, x. 20.

to walk in all his ways] See on v. 33.

to love him...with all thy heart, etc.] See on vi. 5.

to serve] or *worship*; see on iv. 19, vi. 13; combined with *love* or *fear*, *v.* 20, xi. 13, xiii. 4, etc., and deuteronomic passages in other books.

13. *to keep*] or *in that thou keepest*, for this is how they are to fear and love Him.

commandments...and statutes] Varied from vii. 11. *for thy good*, vi. 24. That the verse is made up of formulas does not necessarily prove its secondary character (Steuern.).

14. This and the next *v.* state motives for the *fear* and *love* just enjoined: for *fear*, because He is the greatest God, to whom all things belong; for *love* because, though He is such, He yet loved Israel's fathers and chose their posterity, even those whom Moses is addressing.

the heaven, etc.] A characteristic deuteronomic accumulation.

heaven of heavens] i.e. the highest heavens (the same idiom as in *v.* 17). Whether this idiomatic superlative (first here and then echoed in later passages, 1 Kgs viii. 27; 2 Chr. ii. 6; Neh. ix. 6; Pss. lxviii. 33, cxlviii. 4) or the plural positive *heavens* was the germ of the later idea of the plurality of heavens (in the Jewish apocalyptic books and the N.T., e.g. 2 Co. xii. 2; Eph. iv. 10 R.V.) is uncertain; but the development of the idea was due to the influences of Babylonian and Persian cosmologies and eschatologies. See S. D. F. Salmond, art. 'Heaven' in Hastings' *D.B.*, and Charles, *Secrets of Enoch*, xxx.—xlvii.

15. *Only*] Heb. *rak*. The use of this restrictive adverb with disjunctive force—a sharp word with the sound of a wrench in it—is found in many O.T. writings, but is particularly frequent in Deut., occurring no less than 20 times, and in deuteronomic passages elsewhere. It is prefixed to clauses which limit, qualify, condition, or offer contrasts to, what has preceded them. The exact meaning varies according to the context, and therefore it is transl. by different English adverbs or conjunctions in R.V. It introduces exceptions to, or reservations upon, statements of fact, *only* or *but* (ii. 28, 35, 37, iii.

love them, and he chose their seed after them, even you [1]above all peoples, as at this day. Circumcise therefore the 16
foreskin of your heart, and be no more stiffnecked. For 17
the LORD your God, he is God of gods, and Lord of lords,

[1] Or, *out of*

11, 19), or laws, *notwithstanding, only* (better, *saving that*), *but* (xii. 15, 16, 23, 26, xv. 23, xvii. 16, xx. 14, 20); or a different law for different circumstances, *but* (xx. 16); or an indispensable condition to a command or promise, *only, if only* (iv. 9, xv. 5); or an antithesis to what precedes, *only* (=nevertheless, as here); or a purely assertive statement, as if singling out the fact asserted and putting it beyond doubt, *surely, only* (iv. 6, xxviii. 13, 33).

had a delight in] See on vii. 7, *set his love upon you.*

to love] See on vi. 5.

chose] See on vii. 6.

even you] The only Pl. in this section, 12–15. It is explicable either by the attraction of the following Pls., or as a later insertion, and this is supported by its abruptness; *even* is not expressed in the text.

16–19. The form of address changes to Pl., and a qualification is made of the great statement just given. Though God has elected (for reasons of His own) to love Israel's fathers and to choose their posterity after them out of all peoples to be His peculiar people, He is not one that regards persons, but as He takes the part of the helpless within Israel so He loves also the foreigner resident among them, and therefore Israel must love the foreign sojourner, having themselves been sojourners in Egypt. No doubt all this is more or less relevant to the main theme of the discourse, but it is outside it, and as its introduction is coincident with the change to the Pl. address, the passage must be considered as a later addition, or additions (for 18, 19 is still a further departure from 16, 17). The same idea, that Israel cannot count on God's partiality for them if they continue to be stiffnecked, had been already put by Amos in a more striking form, Am. iii. 2, *you only have I known of all the families of the earth; therefore I will visit on you all your iniquities.* Cp. John viii. 31—45; and Acts x. 34; Rom. ii. 11; Gal. ii. 6, in which the argument of this passage is developed.

16. *Circumcise the foreskin of your heart*] The same metaphor in Jer. iv. 4 (cp. ix. 25); whether it is original to the prophet or to D is impossible to determine. In view of the style of Jeremiah's earlier discourses, in which abrupt and unrelated metaphors are frequently conjoined, and of the secondary character of these verses before us, the presumption is that the metaphor is here derived from Jeremiah. 'Wohl bei Jeremias ursprünglich,' Wellh. *Comp. Hex.* 193. Steuernagel states the converse opinion.

stiffnecked] See ix. 6 Sg. and 13 Pl.

17. *God of gods, and Lord of lords*] Heb. idiom for the highest God and Lord (cp. *v.* 14, *heaven of heavens*).

the great God, the mighty, and the terrible, which regardeth
18 not persons, nor taketh reward. He doth execute the
judgement of the fatherless and widow, and loveth the
19 stranger, in giving him food and raiment. Love ye therefore
the stranger: for ye were strangers in the land of Egypt.
20 Thou shalt fear the LORD thy God; him shalt thou serve;
and to him shalt thou cleave, and by his name shalt thou
21 swear. He is thy praise, and he is thy God, that hath done

the great God, the mighty, and the terrible] The Heb. can also mean, as in A.V., *a* great God, etc.; or the superlative, *the God, the greatest, most mighty, and terrible*. This is probably to be preferred. Yet even so there is no assertion, such as we find in exilic and post-exilic writers, of the sole Godhead of Jehovah. See above on vi. 4.

regardeth not persons] Lit. *lifteth not up faces* (opposed to *turning away faces*), i.e. either by granting their requests (Gen. xix. 21) or receiving them graciously (Gen. xxxii. 20); or by being inordinately influenced by them (Job xxxii. 21); or, as here, by showing them an unjust partiality (cp. xxviii. 50). The same idea concerning human judges is found in i. 17, but expressed by another verb.

reward] or, *bribe*, Ex. xxiii. 8, R.V. a *gift*. See further on xvi. 19.

18. *fatherless, widow, and stranger*] i.e. the foreigner sojourning in Israel. See on xxiv. 17. The three are combined there and in xxiv. 19, 20, 21, also in Ex. xxii. 21, 22.

19. *Love ye the stranger*] This carries the principle further than it is expressed in Ex. xxii. 21, and even almost as far as Christ carried it. Cp. P, Lev. xix. 33.

for ye were strangers] So Ex. xxii. 21 (editorial) and frequently in D.

20—xi. 1. Resumption of the Sg. address in possible, but not necessary, continuation of *vv.* 14, 15. *V.* 20 naturally suggests the opening of 21, and is therefore not to be taken as a later intrusion because it repeats vi. 13 (Steuern.).

20. See on vi. 13, which this repeats (with LXX, Sam., read, as there, *and him*) but adds another clause,

and to him shalt thou cleave] This verb *dabak* is used in J of close and warm affection from man to woman (Gen. ii. 24, xxxiv. 3), and in J and D of the adhesion of evil (Gen. xix. 19; Dt. xiii. 17 (18) of the devoted thing, xxviii. 21, 60 of diseases). It is not applied to the relation of Israel to God in the Pent. except in D, x. 20, xi. 22, xiii. 4 (5), xxx. 20, in which passages it is combined with some or other of the verbs love, fear, obey, serve, walk after. In iv. 4 the adj. *dabek* is used by itself. Cp. deuteronomic passages in Joshua xxii. 5, xxiii. 8.

21. *He*] in an emphatic position.

thy praise] Either the object of thy praise (cp. Ps. cix. 1, *God of my*

for thee these great and terrible things, which thine eyes have seen. Thy fathers went down into Egypt with three- 22
score and ten persons; and now the LORD thy God hath made thee as the stars of heaven for multitude.

Therefore thou shalt love the LORD thy God, and keep 11
his charge, and his statutes, and his judgements, and his

praise), or cause of thy fame, thy renown, viz. by the deeds He has done for thee, Jer. xvii. 14.

great and terrible things] iv. 34 *great terrors*; cp. vi. 22, vii. 19.

which thine eyes have seen] So iv. 9, vii. 19, xxix. 3 (2), all Sg. as here; but in xxix. 2 (1) *before your eyes*; cp. xi. 2. The nation is regarded as identical through all its generations. See on iv. 9.

22. *Thy fathers went down*, etc.] A.V. and R.V. miss both the emphatic order of the original and an idiom in it. Translate, *Seventy persons did thy fathers go down into Egypt, but now*, etc. The number is found elsewhere only in P, Gen. xlvi. 27, Ex. i. 5, and this verse is regarded as derived from P and therefore a late addition to D. Yet this round number may have been a common tradition once found in JE; and indeed P treats it as an accepted fact, to which he has to reconcile his other data. 'The number 70 is not invented by P, since he puts it together in Gen. xlvi. 8—27 only with trouble and difficulty' (Cornill, *Einleitung*, 35 f.). There remains, however, the term *nephesh* for *person*, very characteristic of, though not confined to, P. With the whole *v.*, cp. xxvi. 5.

made thee as the stars, etc.] See on i. 10.

XI. 1. *Therefore*] The conclusion of the preceding verses.

thou shalt love] See on vi. 5.

keep his charge] 'Only here in Dt.; often in P (esp. Numbers), but usually in a technical sense, with genitive of the object to be kept, as Num. i. 53, iii. 28: "Jehovah's charge" (of a specific duty), Lev. viii. 35, xviii. 30, xxii. 9; Num. ix. 19, 23; in a more general sense, as here, Gen. xxvi. 5 (JE); Jos. xxii. 3 (D^2); 1 Kgs ii. 3 (Deut.)' (Driver). There is therefore no conclusive proof that this *v.* is secondary. Yet the recurrence of a phrase so characteristic of P after another in the previous *v.* is significant.

statutes, judgements, commandments] See above.

2—9. A Pl. section recalling God's discipline of the very generation which is being addressed. The change from Sg. to Pl. has been explained on the logical ground that the speaker is no longer regarding the nation as a single whole, but is addressing the adult generation as individuals distinct from their children (Bertholet). This, of course, is possible. Yet the alternative supposition, that some other source is here used by the compiler, besides being probable from what we have seen in other cases of the change of address, receives some support from the broken construction of the opening sentence as though it were a bad joint. It is significant, too, that the resumption of the Pl. coincides as

2 commandments, alway. And know ye this day: for *I speak*
not with your children which have not known, and which
have not seen the [1]chastisement of the LORD your God, his
3 greatness, his mighty hand, and his stretched out arm, and
his signs, and his works, which he did in the midst of Egypt
4 unto Pharaoh the king of Egypt, and unto all his land; and
what he did unto the army of Egypt, unto their horses, and
to their chariots; how he made the water of the Red Sea to
overflow them as they pursued after you, and how the LORD
5 hath destroyed them unto this day; and what he did unto

[1] Or, *instruction*

in ix. 8—x. 11 with a historical retrospect. On the one Sg. clause in the section see on *v.* 8.

2. *And know ye*] For this deuteronomic form see on vii. 9. *Know* what? The defective construction which follows leaves this obscure. Some suppose that in the course of his involved sentence the writer has forgotten the object of *know* as well as the verb which should govern *your children* (accus. case), and they translate, *know that it is not with your children* I speak, *who have not known nor seen the discipline of Jehovah your God*; and that the antithesis is reached in *v.* 7, *but that your own eyes*, etc. It is, however, difficult to understand why by a solemn formula they should be called to recognise so obvious a distinction between themselves and their children. It seems preferable either to take the formula absolutely and by itself as A.V. and R.V. do, or with most commentators to read *the discipline of Jehovah* as the object of *know* and what comes between as a parenthesis. But whichever way the sentence is read the words *I speak* must be added.

the chastisement] *mûsār* denotes neither *instruction* (see on iv. 36) nor *chastisement* (though this may be included), but *moral education* or *discipline* (Gk. παιδεία) attended with greater (Pr. iii. 11; Job v. 17) or less severity (Pr. i. 2, 8, iv. 1) as the case may be: the sight of Jehovah's wonders...ought to have exerted upon the Israelites a disciplinary influence, subduing waywardness and pride, promoting humility and reverence, and educating generally their moral and religious nature' (Driver).

his greatness, his mighty hand, and his stretched out arm] See on iii. 24, v. 24, ix. 26; and cp. iv. 34, *greatness*.

3. *and his signs, and his works*] See on iv. 34; cp. vi. 22, vii. 19.

4. *the Red Sea*] On the Heb. name, probably **Sea of Reeds** or **Sedge**, see note to Ex. xiii. 18. On the passage of the sea, see Ex. xiv. D does not mention it elsewhere than here; but see i. 1, 40.

destroyed them] This form of the verb, *'ibbed*, found in D only here and in xii. 2, 3, another Pl. passage. But both Sg. and Pl. use another form of the same verb.

you in the wilderness, until ye came unto this place; and 6
what he did unto Dathan and Abiram, the sons of Eliab,
the son of Reuben; how the earth opened her mouth, and
swallowed them up, and their households, and their tents,
and every living thing that followed them, in the midst of all
Israel: but your eyes have seen all the great work of the LORD 7
which he did. Therefore shall ye keep all the command- 8
ment which I command thee this day, that ye may be strong,

5. *unto this place*] i. 31.

6. *what he did unto Dathan and Abiram*] The severity of God's discipline was not only shown to Israel's enemies, but *in the midst of all Israel* to rebellious Israelites. Without such a recollection, the description of that discipline, especially in view of the alarm it was fitted to inspire, would not be complete. This answers Steuern.'s argument that the verse is secondary, on the grounds that there was no reason to mention specially this one out of all the divine punishments inflicted on Israel, and that with the phrase *in the midst of all Israel* the people are not directly addressed, and that the form of the discourse is thus broken. On the contrary, as shown above, the phrase suits the speaker's purpose, cp. xvii. 4, 7, xxiii. 16 (17). The event is described in Num. xvi., a passage compounded of JE and P (see *Numbers* in this series). This verse partly repeats the phraseology of JE, with some variations (e.g. a different verb for *opened*), cp. Num. xvi. 1 *b*, 26, 27 *b* (*tents*), 30 (*all that appertained unto them*), 32 *a*. And, like JE, D mentions Dathan and Abiram alone as the victims of the judgement. Instead of them P mentions Korah. This is another illustration of the consistency with which D follows JE, and was either ignorant of, or deliberately ignored P. It is interesting that Sam. adds to D's statement 'and all the men belonging to Korah.'

7. *But your eyes* **are those that have seen**] Cp. x. 21 Sg.

all the great work] LXX *works*; cp. the deuteronomic passage, Jud. ii. 7.

8. On such recognition (*v.* 2 *But know ye*) of the awful discipline of God the discourse now bases another of its many appeals to the people to observe the Law, with the usual promise of consequent benefits. That the appeal and promise are composed in the usual deuteronomic phrases is no ground, by itself, for considering that the verse is an editorial addition. (So Steuern., who finds the immediate continuation of *v.* 7 in *v.* 16.) Nor are the phrases all repetitions; *that ye may be strong* is new.

keep all the commandment] Again the Miṣwah of v. 31 *q.v.*, vi. 1 and vii. 11.

which I command thee this day] The one Sg. clause in the section. Sam. and LXX codd. A etc. have Pl., LXX cod. Vat. agrees with the Heb. Sg. It is a good illustration of how many are the possible

and go in and possess the land, whither ye go over to possess
9 it; and that ye may prolong your days upon the land, which
the LORD sware unto your fathers to give unto them and to
10 their seed, a land flowing with milk and honey. For the land,
whither thou goest in to possess it, is not as the land of Egypt,
from whence ye came out, where thou sowedst thy seed, and

explanations of these smaller and sporadic changes of address. Either the Sg. is a clerical error which has slipped into the Heb. text and is to be corrected by the Versions; or it is original, and the readings of these are harmonistic, as in A.V. Or, if the Sg. is the correct reading it may be either a mere inadvertence on the part of the original writer, or the clause may have been inserted by an editor with the echo of vii. 11 in his ear. This last seems to the present writer the most probable explanation. But any of the others is possible.

that ye may be strong, and go in] only here; cp. iv. 1, *that ye may live and go in.*

and go in and possess the land] Cp. the variation in the Sg. ix. 5, *go in to possess their land.*

whither ye go over to possess it] a phrase peculiar to Pl.: see on vi. 1.

9. *prolong your days*] See on iv. 26.

which the LORD sware] See on i. 8.

flowing with milk and honey] See above on vi. 3; and the note to Ex. iii. 8.

10-15. Another picture of the blessings of the land, cp. vi. 10 ff., vii. 12 ff., viii. 7 ff.; all like this in the Sg. form of address. But this time we see the land under a new aspect: its contrast to the flat and rainless Egypt. The section illustrates well both what is obvious and what is obscure in the frequent transition of our Book from the one to the other of the two forms of address. For though it is mainly in the Sg., there are in the present text four interruptions by the Pl.: one in *v.* 10 (the Versions add another), one in *v.* 11, all *v.* 13, and one in *v.* 14. The following notes will show that while the last is only an apparent Pl., the Versions supplying a Sg., nearly all the others are clearly editorial expansions.

10. *whither thou goest in to possess it*] The Sg. equivalent for the Pl. *whither ye are crossing to possess it* (*v.* 8). Therefore the Pl. reading of Sam. and LXX codd. A etc., *ye are going in*, is probably not correct. But see next note.

from whence ye came out] This Pl. is confirmed by the Versions. But with the preceding clause, *whither thou goest in*, &c., it may be a later addition. Neither is necessary, and indeed both rather break up the comparison which is the writer's main theme for the time.

where thou sowedst thy seed] This information is novel. We are not told elsewhere that in Egypt Israel practised agriculture for themselves (*thy* seed). Yet even if they were confined to the land of Goshen (it is only J which affirms this), that land was partly

wateredst it with thy foot, as a garden of herbs: but the 11

fertile, and even a tribe of shepherds could hardly have refrained from the opportunities which it offered for the richer feeding of their cattle. P's account of Israel in Egypt says that they multiplied so fast that the land was filled with them; and that when the Egyptians brought them under bondage this included all manner of service *in the field* (Ex. i. 7, 14).

wateredst it with thy foot] The exact reference is doubtful and has been variously explained: to the working of the *shaduf* or machine by which a bucket of water is lifted from the river bed to the fields above; to the working of water-wheels; and to the distribution of the water through the fields by many small channels in the soft mud, which was removed by the foot of the peasant to allow the water to pass and replaced to divert it (Manning, *The Land of the Pharaohs*, 1887, p. 31, cited by Driver, *Deut.*[3] p. xxi). The use of the *shaduf* in ancient Egypt is illustrated on the monuments (for an example see Erman, *Life in Anc. Egypt*, 426); but the employment of the foot in working it, i.e. by pushing or keeping down the weight that balanced the bucket, though recorded, does not seem to be usual. Again, 'water-wheels cannot be proved to have been known in ancient Egypt' (W. M. Müller, art. 'Egypt' in *E.B.* col. 1226, *n.* 1); though Niebuhr saw one worked by the foot in Cairo, and named accordingly (*Reisebeschreibung*, i. p. 148, pl. xv.), and Robinson saw others in Palestine (*B.R.* II. 351, III. 21). The third explanation, the guidance of water by the foot of the peasant through the fields, seems therefore the most probable (cp. Conder on this method in Palestine, *Tent Work in Palestine*, 328); though W. M. Müller (*loc. cit.*) says 'most probably "watering with the foot" means carrying water.' (It ought not to be overlooked that the words *with thy foot* may also have been meant to qualify *thou sowedst thy seed*: in Egypt, however, it was animals who were employed for tramping the scattered seed into the soft mud, rams (Erman, 429) or pigs (Herodotus, II. 14, Pliny, *H.N.* XVIII. 47).) But to know the exact meaning of *with thy foot* is not necessary for the understanding of the writer. He is contrasting the laborious personal labour required in bringing water to the fields of rainless Egypt, which Erman describes even after a high Nile as incessant over a large part of the country, and as an arduous, servile business necessarily enforced upon the peasants by an anxious government, with the heaven's own direct watering of the Palestine fields without any labour on the part of man. The contrast is, of course, not utter as the deuteronomist in his characteristic style describes it to have been (he himself immediately qualifies it by his reference to the *garden of herbs*, which in Palestine it was customary to water by channels, cp. Is. i. 30). Nevertheless it is in the main true that in Egypt the fields depended for water on human drudgery of the most arduous kind; in Palestine their watering was the direct boon of heaven, beyond man's responsibility. In this connection Erman's remarks (14) on the influence of the Egyptian landscape are

land, whither ye go over to possess it, is a land of hills and
12 valleys, *and* drinketh water of the rain of heaven: a land which the LORD thy God [1]careth for; the eyes of the LORD thy God are always upon it, from the beginning of the year even unto the end of the year.
13 And it shall come to pass, if ye shall hearken diligently unto my commandments which I command you this day, to love the LORD your God, and to serve him with all your

[1] Heb. *seeketh after.*

relevant. The landscape is monotonous, not 'calculated to awaken the inspiration of the soul; unconsciously the dweller in this country will become sober and prosaic, and his gods will be pale forms with whom he has no sympathy. In fact, the Egyptian peasant could scarcely understand a living personal relationship between the individual and the deity....Thus the Egyptian grew up under conditions unfavourable to the development of his spiritual life, but such as would fortify his understanding and practical industry.' And he contrasts the more vivid religious influences which the Greeks experienced from their landscapes —their mountains, forests, meadows and rains. This is virtually the same contrast as the deuteronomist here paints between the flat, rainless Egypt, and Palestine with its rains, hills and vales, and consequent springs. In the latter Israel would more easily feel the personal care of them by God Himself (*v.* 12).

as a garden of herbs] 1 Kgs xxi. 2; Pr. xv. 17. The inference is that the irrigation which in Palestine was only applied to special spots was universal in Egypt; see previous note.

11. *whither ye go over to possess it*] This Pl. interruption is redundant even for the deuteronomic style (cp. 8 and 10) and unnecessary for the contrast which the writer is making: most probably editorial.

a land of hills and valleys] This, too, is essential to the writer's contrast of the land with Egypt: for the configuration of the land (cp. Erman's remarks on Egypt and Greece above) is not only utterly different from the flatness of Egypt, but affects the distribution of the rainfall, and is responsible for numerous springs (viii. 7).

According to *the rain of heaven it drinketh water*] So the emphatic order of the original.

12. *a land which the* LORD *thy God careth for*] lit. *seeketh after.* The verb is used both in the sense of *resort to* or *frequent* (xii. 5, with another construction, Am. v. 5), or *investigate* (xiii. 14 (15), xvii. 4, xix. 18), or *to visit* so as *to care for* (Jer. xxx. 14, 17; Job iii. 4; Is. lxii. 12). The last is of course the meaning here: a land which is under the personal supervision and providence of God: *constantly are the eyes of Jehovah thy God upon it from the beginning of the year and even to the end of the year.* Such is the emphatic Heb. order.

13. The verse is not only in the Pl. and a repetition of certain

heart and with all your soul, that I will give the rain of your 14
land in its season, the former rain and the latter rain, that
thou mayest gather in thy corn, and thy wine, and thine oil.
And I will give grass in thy fields for thy cattle, and thou 15

formulas, but it also changes the speaker (*my commandments* can only mean God's). It is evidently inserted by an editor (so too Steuern. and Bertholet) (who also altered the opening of the next verse, *q.v.*) because he thought it again necessary to safeguard the promise by repeating the usual deuteronomic condition. But the condition breaks into the theme of the writer which for the moment is only the contrast between the two lands. On the contents of the *v.* see on x. 12.

14. *that I will give the rain of your land*] The Heb. text is evidently due to the same hand which inserted *v.* 13, for it immediately follows that verse, and as evidently the original reading is that of Sam., LXX and Vulg.: *that* **he** *will give the rain* **to thy** *land*, which connects with *v.* 12.

in its season, etc.] The agricultural year in Palestine consisted of two seasons, a rainy and a dry. 'Towards the end of October heavy rains begin to fall, at intervals, for a day or several days at a time. These are what the English Bible calls the *early* or *former* rain, Heb. *yôreh*, *the pourer*. It opens the agricultural year; the soil, hardened and cracked by the long summer, rainless since May, is loosened, and the farmer begins ploughing. Till the end of November the average rainfall is not large, but it increases through December, January and February, begins to abate in March, and is practically over by the end of April. The *latter rains*, Heb. *malkôsh*, from a root meaning *to be late*, are the heavy showers of March and April. Coming as they do when the grain is ripening, and being the last before the long summer drought, they are of far more importance to the country than all the rains of the winter months, and that is why these are so frequently passed over in Scripture, and emphasis is laid only on the early and latter rains[1]' (*HGHL*, pp. 63, 64). The annual rainfall is considerable: at Jerusalem it averages over 25 inches, about the same as the annual rainfall in London. Whether it was more copious in ancient times is a question much debated. For this and other details see the present writer's *Jerusalem*, I. 19, 77 f. The growth of the vine and olive depend, like the ripening of the corn, essentially on the latter rain; and the olive requires the rainless summer for the ripening of its berries (*op. cit.* 300).

15. *And I will give*] with Sam. and LXX B read **he will give**.

grass] rather, **herbage** (*'eseb*), including grass (*dêshe'*); for cattle as here, Jer. xiv. 6, Ps. cvi. 20; but of human food, Gen. iii. 18.

[1] This has given people the idea that there are only two periods of rain in the Syrian year, at the vernal and the autumnal equinoxes; but the whole of the winter is the rainy season, as indeed we are told in the parallel lines of the Song of Songs: *Lo the winter is past, the rain is over and gone* (ii. 11).

16 shalt eat and be full. Take heed to yourselves, lest your
heart be deceived, and ye turn aside, and serve other gods,
17 and worship them; and the anger of the LORD be kindled
against you, and he shut up the heaven, that there be no
rain, and that the land yield not her fruit; and ye perish
quickly from off the good land which the LORD giveth you.
18 Therefore shall ye lay up these my words in your heart and
in your soul; and ye shall bind them for a sign upon your
hand, and they shall be for frontlets between your eyes.
19 And ye shall teach them your children, talking of them,

shalt eat and be full] vi. 11 (*q.v.*), viii. 10, 12 as here, with Sg.

16, 17. The enjoyment of so much blessing in the land suggests, as usual (cp. vi. 14 f., viii. 19 f.), a warning against being deceived into attributing it to other gods, i.e. the Baalim, already regarded in the land as the authors of its fertility, and worshipping them. Whether this warning is from the same hand as the preceding *vv.* is difficult to determine. The fact that it is in the Pl. while they are in the Sg., and that it is not so necessary to their argument as it is to the context in vi. 14 f. and viii. 19 f., suggests here another hand. At the same time it is relevant to what precedes, and in *v.* 17 directly attaches itself to that. Nor is it all compiled of formulas.

16. *Take heed to yourselves*] See on iv. 9; only here and iv. 23 with Pl.

lest your heart be deceived] So Job xxxi. 27.

and ye turn aside] With both Sg. and Pl., see on xiii. 5.

17. *the anger of the LORD*, etc.] See vi. 14 f., vii. 4.

and he shut up the heaven... fruit] These clauses found in D only here (but cp. xxviii. 23 f. and the deuteronomic 1 Kgs viii. 35). *Fruit*, rather **produce**, *y^ebûl*, found, save for Judges vi. 4, only in the later O.T. writings from Ezekiel (xxxiv. 27) and D onwards, ep. xxxii. 22. Thus not only in the climate of Palestine, blessed directly from heaven, but in its interruptions also Israel are to see the personal Providence of their God.

and ye perish quickly, etc.] So, with slight variations, iv. 26.

the good land] i. 35.

18—25. The Pl. address is continued in a series of formulas, repeated with some variations from previous passages. The secondary nature of part of this section cannot be doubted. The emergence of the Sg. in *v.* 19 shows that the passage is a quotation (slightly varied) of vi. 6—9; it has been partly adapted to the compiler's Pl., while *v.* 22 naturally follows on to *v.* 17. The rest only partly repeats, and contains some matter peculiar to this section of Deut.

18—21. See on vi. 6—9. Besides the form of address, Sg. there, Pl. here, there are the following differences: vi. 6—9 has *shall be upon thine heart*, and wants *and in your soul*; takes next *thou shalt teach them diligently to thy children* (a more natural place and a sign of the

when thou sittest in thine house, and when thou walkest by the way, and when thou liest down, and when thou risest up. And thou shalt write them upon the door posts of 20
thine house, and upon thy gates: that your days may be 21
multiplied, and the days of your children, upon the land which the LORD sware unto your fathers to give them, as the days of the heavens above the earth. For if ye shall 22
diligently keep all this commandment which I command you, to do it; to love the LORD your God, to walk in all his ways, and to cleave unto him; then will the LORD drive out 23
all these nations from before you, and ye shall possess nations greater and mightier than yourselves. Every place 24
whereon the sole of your foot shall tread shall be yours: from the wilderness, and Lebanon, from the river, the river Euphrates, even unto the [1]hinder sea shall be your border.

[1] That is, *western*.

originality of vi. 6—9), and wants *v.* 21, which is repeated from other passages. See iv. 40, vi. 2, xi. 9. In *v.* 19 read with Sam., LXX, *in the house*. *Vv.* 18—21 break the connection: *v.* 22 follows naturally on *v.* 17.

21. *as the days of the heavens above the earth*] Not repeated in Deut.: the phrase is equivalent to *for ever*, cp. Ps. lxxxix. 29; Job xiv. 12. The eternity of the heavens was self-evident to primitive Israel, and for long it appeared that they could be shaken only by the appearance of God in His glory, 2 Sam. xxii. 8 (cp. Job xxvi. 11). It was not till the later Apocalypse that the imagination became frequent of the passing away both of heaven and earth.

22. Repetitions of previous verses: *diligently keep all this commandment*, v. 31, vi. 17 (*the commandments*), vi. 1, *this is the commandment*; *to love*, vi. 5; *to walk*, x. 12; *to cleave*, x. 20. To *I command you*, Sam., LXX add *to-day*.

23. *drive out*] iv. 38.

possess nations greater, etc.] ix. 1, but Sg.

24. *whereon the sole of your foot shall tread*] For the idiom see ii. 5; Jos. i. 3.

from the wilderness, and Lebanon] Jos. i. 4; perhaps we should read *and unto Lebanon* (Grätz, Dillm. and others).

and from the river, the river Euphrates] See on i. 7.

unto the hinder sea] i.e. according to the Semitic orientation, the western sea, the Mediterranean. These limits are, of course, ideal, but observe how the promise is limited by the words *every place whereon the sole of your foot shall tread*.

25 There shall no man be able to stand before you: the LORD
your God shall lay the fear of you and the dread of you
upon all the land that ye shall tread upon, as he hath spoken
unto you.
26 Behold, I set before you this day a blessing and a curse;
27 the blessing, if ye shall hearken unto the commandments of
28 the LORD your God, which I command you this day: and
the curse, if ye shall not hearken unto the commandments
of the LORD your God, but turn aside out of the way which
I command you this day, to go after other gods, which ye
have not known.
29 And it shall come to pass, when the LORD thy God shall
bring thee into the land whither thou goest to possess it,
that thou shalt set the blessing upon mount Gerizim, and
30 the curse upon mount Ebal. Are they not beyond Jordan,

25. *There shall no man*, etc.] So vii. 24, but Sg.
the fear of you and the dread of you] So ii. 25, but Sg.

26—28. The summing up and clinching of the whole discourse, v.—xi.: a blessing to Israel if they obey the commandments of God, a curse if they do not obey but turn after other gods. Cp. xxx. 1, as here, *blessing and curse*; 15, 19, *life and death, good and evil.*

27. *if ye shall hearken*, etc.] See vii. 12, Pl.; xv. 5, xxviii. 13, Sg.

28. *turn aside*] See *v.* 16, ix. 12, 16, xiii. 5, xxxi. 29.
to go after other gods] vi. 14.
which ye have not known] See above on vii. 9, viii. 3.

29—30. A return to the Sg. form of address, with phrases peculiar to that form (see vi. 10, vii. 1). Whether it is original here, or dependent on xxvii. 12 f. (cp. Jos. viii. 33 f.), is doubtful.

29. *shall bring thee unto the land*, etc.] So vii. 1, *q.v.*
the blessing upon mount Gerizim, and the curse upon mount Ebal] The two most prominent hills on the Western Range, whether seen from the Mediterranean or from the E. of Jordan, on either side of what is not only the natural centre of Western Palestine, but the part most open to approach from E. Palestine. See the present writer's *HGHL*, ch. VI., and pp. 335 ff. Gerizim lies to the S., or, according to Semitic orientation, the right hand and lucky quarter of the heavens; 'Ebal on the N., the left or sinister quarter. But the visitor to the locality will also be struck by the sympathy between our verse and the contrasted aspects of the two hills as they face each other: the N. face of Gerizim, the mount of blessing, is the more fertile; the opposite face of 'Ebal, the mount of curse, much the more bare.

30. A geographical gloss similar to those in i. 2, and in chs. ii., iii., and introduced by *are they not*, as iii. 11.
beyond Jordan] True to the speaker's position on the E. of Jordan,

behind the way of the going down of the sun, in the land of the Canaanites which dwell in the Arabah, over against

so iii. 20, 25. Contrast, as untrue to the speaker's position, iii. 8 (part of Moses' speech), i. 1, 5, iv. 46, 47, 49 (all titles), and iv. 41 (a historical fragment).

behind the way of the going down of the sun] Of doubtful meaning. *Behind* is, of course, *west of* (according to the orientation alluded to above). But what is *the way*? It has been understood by most as the great road traversing *Western* Palestine from N. to S., to the immediate west of which the two mountains lie (Dillm., who quotes Ritter, *Erdkunde von Asien*, XVI. 658 f. = *Geog. of Pal.* IV. 293 ff., Driver, Marti). Steuern. proposes, by the addition of one letter, to read *west of it*, i.e. the Jordan, and to translate the rest *in the direction of the sunsetting*; cp. the LXX ὀπίσω ὁδὸν (not ὁδοῦ) δυσμῶν ἡλίου 'behind (it) towards the sunset.' Such redundance is not uncharacteristic of the deuteronomic editors.

in the land of the Canaanites] Not D's usual name for the inhabitants of the land; see on i. 7.

which dwell in the Arabah] See on i. 1: the Jordan valley, not relevant to the position of 'Ebal and Gerizim. The whole clause is very probably a still later addition, especially as the following clause connects naturally with that position. So, too, the Massoretic punctuation of the text implies.

over against Gilgal, beside the oaks of Moreh] *The Gilgal*, i.e. stone-circle. There were several places of this name W. of Jordan and still marked by Arabic forms of it (see 'Gilgal' in *E.B.* by the present writer): (1) One was the Gilgal near Jericho, and with this certain Rabbis, followed by Eusebius, Jerome, and a constant Christian tradition, have identified the Gilgal of our text. So, too, a number of modern commentators. Others, changing the punctuation, refer the words *over against the Gilgal* to *the Canaanites which dwell in the 'Arabah*. (2) A second Gilgal lay on the Western Range above Bethel (2 Kgs ii. 1–8) and has been identified with the present Jiljilyeh seven miles N. of Bethel, which, though actually lower than Bethel, stands on a hill so bold and isolated that the phrase to go down thence to Bethel would not be inappropriate. This also has been identified with the Gilgal of our text, yet it is at a good distance from Gerizim and 'Ebal, and stands in no definite relation to them. (3) Dillmann supposed some Gilgal near Shechem, and his hypothesis has been justified by the discovery of the name Juleijil (Ar. dimin. of *Gilgal*) on the plain one mile E. of the foot of Gerizim and 2½ miles SE. of Shechem. This suits the data of our passage (including the following *oaks* or *terebinths of Moreh*), and its claims have been defended in detail by Schlatter (*Zur Topogr. u. Gesch. Palästinas*, 246 ff.) and accepted by Buhl (*Pal.* 202 ff.); cp. the present writer in *Critical Review*, Oct. 1895, 346 ff., and art. 'Gilgal' in *E. B.*; and Driver, *Deut.* 3rd ed. (1901), p. xxi. In 1901 the present writer visited Juleijil, and a thorough examination of the site convinced

31 Gilgal, beside the [1]oaks of Moreh? For ye are to pass over Jordan to go in to possess the land which the LORD your God giveth you, and ye shall possess it, and dwell therein.
32 And ye shall observe to do all the statutes and the judgements which I set before you this day.

[1] Or, *terebinths*

him that it is the Gilgal of our text. A hill, some two hundred feet high, rises from the Makhneh plain just opposite the valley between Gerizim and 'Ebal. The trace of a broad winding road leads to the summit, which is covered with ancient remains, including those of a large stone-circle composed of huge blocks. There is no more suitable site for a sanctuary in all W. Palestine. Cp. G. Hölscher, *ZDPV*, XXXIII. 102 f.

beside the oaks of Moreh] Read, with Sam. and LXX, *the oak*. *The oak* or *terebinth of Moreh*, 'the Revealer,' takes us back to Abraham, who found it here by Shechem and built an altar, Gen. xii. 6 (J), from which the above mention of the Canaanites (it is J's word for the inhabitants of the land) may have been derived by the annotating editor. On trees, as impressing especially the nomads of the treeless desert with their speaking and oracular powers, see on xii. 2 and the present writer's *Early Poetry of Israel*, 32 f.

31—32. Resumption of the Pl. form of address; either an editorial addition to mark the transition to the actual laws which begin with xii. 1, or the close of an original introduction, in the Pl., to the Code. The former is the more probable as the *vv.* are compounded of phrases characteristic both of the Sg. and the Pl. forms of address.

31. *For ye are* **about** *to pass over Jordan*] A Pl. phrase; see on iv. 14, vi. 1.

to go in to possess the land] Mainly a Sg. phrase; see on vi. 1.

which the LORD *your God is* **about to give** *you.*

32. *and ye shall observe to do*] v. 32, etc.

all the statutes and the judgements] See on v. 31.

C. CHS. XII.–XXVI. THE STATUTES AND JUDGEMENTS.

The Deuteronomic Code, of which all the rest of the book is the religious and historical introduction and enforcement, consists of some seventy separate laws, connected by and mingled with exhortations and religious formulas in a style similar to that of the introductory discourses. The laws fall into four divisions of unequal size, consisting of smaller groups distinguished by their separate subjects: the whole upon a manifest plan of arrangement which however is not perfectly observed but is broken at several points by the appearance of single laws or small groups of laws out of their proper relation. This will be seen from the following conspectus:—

The Title to the whole Code		xii. 1
I.	Laws of Religious Institutions and Worship	xii. 2—xvi. 17, 21—xvii. 7
	Of the One Altar (in several forms)	xii. 2—28
	Against Heathen Rites and the Worship of Other Gods	xii. 29—xiii. [with perhaps xvi. 21—xvii. 7]
	Against Rites for the Dead	xiv. 1, 2
	Of Clean and Unclean Beasts, etc.	3—21
	Of Tithes	22—29
	Of the Remittance or Release ... ... (1) for Israelite and foreign creditors (1—11), (2) for slaves (12—18)	xv. 1—18
	Of Firstlings	19—23
	Of the Three Feasts: Passover, Weeks, Tabernacles	xvi. 1—17
	Against 'Asherim and Massebôth	21, 22
	Against Blemished Sacrifices	xvii. 1
	Against Worshippers of Other Gods ... ... For the last three see above xii. 29—xiii.	2—7
II.	Laws of Offices of Authority ... xvi. 18—20, xvii. 8—xviii.	
	Of Judges and Justice	xvi. 18—20
	Of Judges of Final Appeal	xvii. 8—13
	Of the King	14—20
	Of Priests, Levites	xviii. 1—8
	Of Prophets (in contrast to Diviners, Augurs, etc.)	9—22
III.	Laws mainly on Crime, War, Property, the Family	xix.—xxv.
	Of Cities of Refuge for the Manslayer	xix. 1—13
	Against Removing Landmarks	14
	Of Witnesses	15—21
	Of the Conduct of War, and who are Exempt ...	xx. 1—20
	Of Communal Responsibility for a Murder ...	xxi. 1—9
	Of Marriage with a Female Captive	10—14
	Of the Right of the Firstborn	15—17
	Of Disobedient Sons	18—21
	Of Hanged Malefactors	22, 23
	Of Humane Duties in various directions:— A neighbour's lost property (1—3) and derelict (4); sparing the mother-bird (6, 7); protecting roofs with parapets (8)	xxii. 1—4, 6—8
	Against Various Mixtures:— ... ... Wearing clothes of the other sex (5); mixture of seeds (9), animals (10), cloths (11)	5, 9—11
	Of Tassels on the Garments	12
	Of Procedure in Cases of Unchastity:— ... Charges against a bride (13—21); adulterers	13—30[1]

[1] From this to the end of ch. xxiii. the verses are numbered one more in the Heb. text, in which xxiii. 1 is the Eng. xxii. 30.

discovered in the act (22); intercourse with a betrothed virgin, with (23 f.) or without (25 ff.) her consent; with a virgin not betrothed (28 f.); with a father's wife (30)
Of Right to Enter the Congregation :— ... xxiii. 1—8
Denied to the mutilated (1), the illegitimate (2), Ammonites and Moabites (3—6); but granted to third generation of Edomites and Egyptians (7 f.)
Of Ritual Cleanness in the Camp ... ... 9—14
Of Runaway Slaves 15, 16
Against Hierodules 17, 18
Against Exaction of Interest from Israelites ... 19, 20
Of Vows ... ... 21—23
Of Use at Need of Others' Fruits and Corn ... 24, 25
Of Re-marriage after Divorce ... ... xxiv. 1—4
Of Equity and Humanity in various directions :— xxiv. 5—xxv. 4
Exemption of newly-married from war-service (xxiv. 5); against taking in pledge the necessaries of life (6, 10—13, 17 f.), stealing Israelites for slaves (7), neglect of leprosy (8 f.), withholding wages (14 f.), putting the fathers to death for the children or *vice versâ* (16), and inequity to strangers, fatherless, and widows (17 f.); on leaving for these parts of the harvest (19—22); against excessive punishment (xxv. 1—3), and muzzling the labouring ox (4)
Of Levirate Marriage ... ... xxv. 5—10
Of Reckless Assault 11, 12
Against Divers Weights and Measures ... ... 13—16
On ʿĀmalek ... ... 17—19
IV. Laws of Ritual Procedure with Proper Prayers ... xxvi. 1—15
In Offering First Fruits ... ... xxvi. 1—11
In Distributing Tithes ... ... 12—15
Concluding Exhortation ... ... 16—19

Within this Code the laws are never called *Tôrôth* (applied in the Code only to the oral directions of the priests, xvii. 11, xxiv. 8) but always *Hukkim and Mishpatim, Statutes and Judgements*. If we may distinguish these terms, as on the one hand decrees of religion, worship, and the theocratic constitution, and on the other civil and criminal laws and sentences with their relevant procedures (cp. *dᵉbarîm and mishpatim*, Ex. xx. 22—xxiii. 33, Driver, p. 202), then to such a distinction the above arrangement roughly conforms. For of its four main divisions I, II and IV are of the former class, but III of the latter.

As in the Decalogue and the law-book of E, Ex. xx. 22—xxiii., the laws of religion and worship come first because of their sacred character,

but also for the further reason, peculiar to D, that the law of the One Altar with which they open is the practical corollary to D's fundamental doctrine of the Unity of Israel's God (see on xii. 2—28). Accordingly this law is immediately followed by laws against heathen rites and seductions to the worship of other gods, xii. 29—xiii., among which the similar laws, xvi. 21—xvii. 7, seem originally to have stood. The law of clean and unclean foods, xiv. 3—21, based on religious grounds, falls naturally into this group (though it may be a later addition); and the rest of the division, xiv. 22—xvi. 17, also deals with religious practices and institutions. The *Second* place is naturally assigned to offices of various authority in the theocracy, xvi. 18—20, xvii. 8—xviii. The *Third* division, xix.—xxv., enforces the duties of the individuals of the commonwealth in their family, civic, and military relations; and deals with crimes against these social interests and the relevant procedures. In the *Fourth*, xxvi., more detailed ritual is enjoined with regard to two of the offerings commanded under the first group.

The chief interruptions in the plan of the Code, which is so manifest throughout, are the separation of the religious laws, xvi. 21—xvii. 7, xxiii. 1—8, 17 f. and xxvi., from Division I to which by their subjects they properly belong. But further in Division III the laws on marriage and married life are separated from each other, two in xxi. 10—17, one in xxiv. 1—4, and one in xxv. 5—10; as are those on murder, xix. 1—13, xxi. 1—9, and on war and military service, xx. 1—20, xxiii. 9—14, xxiv. 5, and the subordinate groups on equity and humanity, xxii. 1—4, 6—8, xxiv. 5—xxv. 4. Even within the smaller groups there are curious interruptions and isolations; that on humanity, xxii. 1—4, 6—8, is broken by *v.* 5, against wearing the clothes of the other sex, which properly belongs to the sub-group, xxii. 9—11, against various mixtures. Altogether the Code transgresses its own prohibition of the confusion of things naturally diverse. 'Moses sometimes mixes together precepts respecting different things' (Calvin on Ex. xxiii. 19).

Sometimes this disorder is necessitated by the overlapping or crossing of the subjects of various laws; sometimes, as in the separation of xvi. 21—xvii. 7 from xii. 29—xiii., it may be due to the carelessness of a copyist. Other possible causes are the gradual growth of the Code by the addition of laws instituted or adopted later than its original form, and the compilation of the whole Code from separate smaller Codes (as in the case of the Code of E; see Driver's *Exod.* 202 ff.). Of the former cause ch. xxvi. may be an illustration. But while gradual additions may have been made from time to time to the Code, the chief impression which the above list makes on the mind is that the whole Code, as it stands, is a compilation from various sources. And this impression is corroborated by the facts that several of the laws appear in more than one form—especially the first and fundamental law of the One Altar, but cp. also the Laws on the Passover and the Priests—and that some of these doublets are distinguished by being couched in different forms of address, Sg. and Pl. Thus the same phenomena as those which betray a plurality of sources in the introductory discourses, i.—xi., persist in the Code, xii.—xxvi., and prove the composite character of even

12 These are the statutes and the judgements, which ye shall observe to do in the land which the LORD, the God of thy fathers, hath given thee to possess it, all the days that ye

this the central portion of the Book of Deuteronomy. The proofs will be given in the detailed notes.

The bulk of the laws are based either on those of E and (in fewer cases) of J, or upon the consuetudinary laws of which the Codes of E and J are the other precipitates. But their chief distinction from the Codes of E and J is that the latter have no counterpart to the law of the One Altar in D. On the contrary they imply that Israel may sacrifice to their God at many altars, wheresoever He records His Name (cp. Chapman, *Introd. to Pent.* 131 ff., and Driver, *Exod.* 207 f.). The law of the One Altar necessitated many other differences between the Code of D and the earlier legislation; for example in permitting at a distance from the One Altar the slaughter and eating of domestic beasts without ritual; in the laws on Tithes and Firstlings; and most of all in the institution of the Cities of Refuge, for which no equivalent was required in the earlier legislation, since according to this the man who slew his brother accidentally might find asylum at any of the many altars which it sanctions. On the details of the relation of D's laws to those of H and P see the notes below; here it need only be said that the laws of H and P give proof of belonging to a later stage than D's in the social and ecclesiastical development of Israel; and that in particular many of their differences from D's are due to the increased influence of the priesthood, its separation from the general body of the Levites, and its encroachment upon their rights and the rights of the lay worshippers.

CH. XII. 1. THE TITLE TO THE CODE.

Like some other titles this is mixed of the Sg. and Pl. forms of address. Sam. confirms the Heb. text. The LXX harmonising gives Pl. throughout.

1. *These are the statutes and the judgements*] As in vi. 1 but *minus* the Commandment or Charge (Miṣwah) because this, the introductory enforcement of the religious principles on which the laws are based, is now finished.

observe to do] See on iv. 6, v. 1.

God of thy fathers] See on vi. 3.

all the days, etc.] Cp. iv. 9, 10, xxxi. 13.

I. FIRST DIVISION OF THE LAWS: ON WORSHIP AND RELIGIOUS INSTITUTIONS—xii. 2—xvi. 17, xvi. 21—xvii. 7.

Some 16 laws occupying because of their subject the premier place in the Code.

2—28. THE LAW OF THE ONE ALTAR AND ITS COROLLARY.

As we have seen the law of One Sanctuary for Israel was, in the circumstances of that people in the 7th century, an inevitable consequence from the prophetic proclamation of One God for Israel. For the practice of worshipping Him at many shrines, sanctioned by Himself in the earlier period of Israel's settlement, had, especially as many of the sites chosen were those of the Canaanite worship of local Ba'alim, tended to break up the people's belief in His Unity. He became to their minds many Jehovahs (see above on vi. 4); and at the same time their conceptions of Him were degraded by the confusion of His attributes with those of the deities to whose shrines He had succeeded. Therefore as the Unity of Jehovah and His ethical character are the burden of the Miswah or Charge introductory to the Code it is appropriate that the first of the laws should be that abolishing the custom of sacrifice at many sanctuaries and limiting His ritual to a single altar. Note, too, how this is immediately followed by a warning against the worship of other gods (*vv.* 29—31); and that the next laws (xii. 32—xiii.) deal with those who entice, or are enticed, to that worship. Nothing could more clearly show how urgently the concentration of the worship of Jehovah was required in the interest of faith in His Unity and in His spiritual nature. How thoroughly such a law contradicts the earlier legislation about altars, as well as the divinely sanctioned practice of sacrifice in Israel after the settlement; and how far it is incompatible with the corresponding laws in P, will appear in the notes.

The chapter has some obvious editorial insertions disturbing the connection (*vv.* 3, 15, 16, 32); but there are besides repetitions of the central injunction of the law in the same or similar phraseology and introduced or followed by different reasons for it. A careful analysis shows that these are not due to the discursiveness of one writer, but are statements of the same law from different writers of the same religious school. This conclusion is confirmed by the prevalence in *vv.* 2—12 of the Pl. and in *vv.* 13—28 of the Sg. form of address. But even within *vv.* 2—12 there is a double statement of the central injunction; on the other hand in *vv.* 13—28 the repetitions are either clearly editorial insertions, or due to the necessity of repeating the central injunction of the law in a practical corollary permitting the non-sacrificial enjoyment of flesh to Israelites, too far from the One Altar to be able regularly to consecrate it there. Thus we may distinguish three statements or editions of the law, 1st *vv.* 2—7 Pl.; 2nd *vv.* 8—12 Pl.; 3rd *vv.* 13—19 Sg., with the practical corollary or supplement to the law, *vv.* 20—27, the whole enforced by a general exhortation in *v.* 28. All three statements have much in common: defining the One Sanctuary as *the place which Jehovah your* (or *thy*) *God shall choose to put His name there* (1st and 3rd) or *cause His name to dwell there* (2nd); detailing the same list of sacrifices and offerings which are to be *brought* (1st and 2nd) or *offered* (3rd which has also

2 live upon the earth. Ye shall surely destroy all the places, wherein the nations which ye shall possess served their gods,

take and go), but with some variations, for while all have burnt offerings, vows, tithes, contributions (A.V. and R.V. heave offerings), only the 1st and 3rd add sacrifices to burnt-offerings, the 2nd speaks of choice vows, the 3rd defines the tithes to be in kind, the 1st and 3rd add freewill offerings and firstlings and the 3rd speaks of holy things. The variations in the descriptions of how the feasts are to be enjoyed and who are to enjoy them are just such as might be made by different but sympathetic writers with the same aim. But all three give different prefaces to the law, the first two containing different reasons for it. As it is uncertain whether we have these three readings of the law complete, it is impossible to say which of them is the earlier. It is natural to suppose priority for the Sg. statement; but as they stand the 1st is the least developed. And it is only the 3rd or Sg. statement which has added to it the practical corollary of permission for the non-sacrificial enjoyment of flesh.

2—7. First Statement of the Law of the One Altar.

In the Pl. address, with one later insertion, *v.* 3, and possibly another 5 *b*; the rest is a unity. It appropriately opens with the command to destroy all the places at which the nations worship, whom Israel is about to dispossess; for it was the use of these sanctuaries for the worship of Jehovah and the consequent confusion of Him with the Canaanite deities that produced the evils from which the only practical escape was by concentrating His worship. The preface to this first form of the law differs from that to the second which is also Pl.

2. *surely destroy*] A form of the vb. used only with Pl. address, xi. 4, xii. 2, 3. Another form of the same vb. is used both with Sg. and Pl., vii. 24, viii. 20, etc.

all the places] The Heb. *maḳôm*, lit. *place of standing up* but used in the widest sense of *spot* or *locality*, is to be understood throughout this ch. as *holy* or *sacred place* (cp. Gen. xii. 6, the *maḳôm of Shechem*); like its Ar. form, *maḳâm*, 'sacred place,' whether as the place where one stands up to pray (one of the special senses of the vb. *kâm*) or, with the name of a saint attached to it, as the place of his burial which he still haunts, or at which he once stood, e.g. 'maḳâm 'Ibrahim' (Pocock, *Specimen Hist. Arabum*, 124). But in this restricted sense the Heb. *maḳôm* is rather the place of the Deity, His habitation: cp. *v.* 5, 'Isai.' lx. 13, *place of my sanctuary = place of my feet*; Ezek. xliii. 7, *place of my throne, of the soles of my feet, where I dwell*, etc.; Acts vi. 13, *this holy place*, 14, *this place*.

wherein the nations which ye **are to dispossess worshipped** *their gods*] On *dispossess* see ix. 1. *Worshipped* or *have worshipped* may be a sign of the writer's own time when the Canaanites were no more; yet it is not incompatible with the standpoint of the speaker.

upon the high mountains, and upon the hills, and under

upon the high mountains, and upon the hills, and under every green tree] A frequent combination in O.T. The part of a hill selected for a shrine was not the top but either one of the lower *promontories* (so, and not *tops*, in Hos. iv. 13; Ezek. vi. 13), or a hollow below the summit or between two summits (e.g. the high-place at Gezer discovered by Mr Macalister) within reach of water. *Green* can hardly be the meaning of the Heb. *ra'ănān*, which is either luxuriant, branching and overshadowing, or mobile and wavy, or full of sound; as variously appears from the forms of the same root in Ar. (=loose, with much motion, quickly changing, but also redundant and bulging), from the LXX translations of the Heb. (leafy, overshadowing, and the like), and from such passages as Hos. iv. 13 (*they sacrifice under oaks, poplars, and terebinths, for their shade is good*), Ezek. vi. 13 (*under every spreading tree* and *thick oak*), xx. 28 (*every thick tree*). 'The luxury of the trees' (Bacon), 'her leafy arms with such extent were spread' (Dryden). The presence of a god was suggested not merely by the power of life manifest in the greenness of the tree (W. R. Smith, *Rel. Sem.* 173) nor only by its conspicuousness in the landscape and the shade it gave from a glowing atmosphere, but also by the mobility (cp. the N.H. *ra'al*, *to wave*, and the Syr. *r'ula*, *shaking*) and the rustling of the tree which suggested the movement or speech of the deity; *the sound of a marching in the tops of the mulberry trees...Jehovah gone forth before thee* (2 Sam. v. 24), *the sound of Jehovah God walking in the garden in the wind* (Gen. iii. 8), and *terebinths of Moreh*, i.e. *Revealer, oracle-giver* (xi. 30; Gen. xii. 6). It is among these ideas of luxuriance, shade, mobility and sound that the meaning of *ra'ănān* is to be found. That it cannot mean *green* is also proved by its application to *oil*, Ps. xcii. 10 (11), where LXX renders it by *rich*.

These sites, naturally sympathetic to worship, were used by the Semites as by other races. On *mountains*, as especially places of burnt offering, see W. R. Smith, *Rel. Sem.* 99, 111, 470 f.; on trees as objects of worship, *id.* 125 f., 169; and believed by modern Arabs to be inhabited by spirits, Musil, *Ethn. Bericht*, 325 f. So frequently in the O.T. of the Canaanite cults. But the same sites were indicated by God to the Hebrew Patriarchs:—Abraham was bidden to offer Isaac on a mountain (J, Gen. xxii. 2). Jehovah appeared to him at the *place* of Shechem, the oak or terebinth of Moreh, and there he built an altar to Jehovah (J, Gen. xii. 6 f.), similarly at the oak of Mamre (J, Gen. xiii. 18); while at Be'ersheba he planted a tamarisk and called on God's name (J, Gen. xxi. 33). At Sinai Moses went up into the Mount to meet God (JE, Ex. xix. ff.). So too after Israel's entrance into Canaan:—an oak stood in the sanctuary of Jehovah at Shechem (E, Jos. xxiv. 26). As in Abraham's time, Gideon was bidden build an altar on the top of the stronghold, and Jehovah's angel appeared to him under the oak in 'Ophrah and there Gideon presented offerings and built an altar to Jehovah (Judg. vi. 11, 19, 24, 26); under Samuel the ark of Jehovah was taken to the house of Abinadab on the hill (1 Sam. vii. 1), and Israel sacrificed at Mispah, Gilgal, and Ramah at the high place there (vii. 5 ff., 16 f., ix. 12 f., 19), on the hill of God with a high place (x. 5, 10, 13), and Nob (xxi. 1 ff.); cp. the altars built by Saul on the field of a victory over the Philistines (xiv. 35) and by David on the threshing floor of Araunah, where the angel had appeared (2 Sam. xxiv. 21, 25) and the yearly sacrifice by David's family at Beth-lehem (1 Sam. xx. 6, 29), and Solomon's sacrifices at Gibeon, the great high place (1 Kgs iii. 4). Elijah

3 every green tree: and ye shall break down their altars, and dash in pieces their [1]pillars, and burn their Asherim with fire; and ye shall hew down the graven images of their gods; and ye shall destroy their name out of that place.

[1] Or, *obelisks*

was bidden to go to Carmel, and build there an altar to Jehovah (xviii. 19 f., 32), and again went to Horeb the Mount of God (xix. 8 ff.). Deut. itself repeats the account of Moses' intercourse with Jehovah on the Mount (ix., x.) and contains (xxvii. 4 ff., partly from E?) the command to put up stones inscribed with the Law and an altar upon Mt Ebal. Therefore down at least to the building of the Temple in Jerusalem, it was the custom in Judah and Benjamin to worship Jehovah on such high places as those at which the Canaanites worshipped their gods, and this custom was continued in N. Israel by Elijah. By the 8th century Israel appears to have promiscuously adopted the Canaanite shrines, and the prophets complain of their apostasy and licentious rites *on the headlands of the mountains and on the hills and under every spreading tree* with special mention *of oaks, poplars, and terebinths* and predict the futility and disappointment of their trust in such places (Hos. iv. 12 f.; Is. i. 29; Jer. ii. 20, iii. 6, 8, 13, 23, xvii. 1 f.; Ezek. vi. 13, xviii. 5 f., xx. 28; 'Isai.' lvii. 5, lxv. 7). The prophets regard all this as a *backsliding* from the pure worship of earlier times. Israel ought to have known better than sink to such traitorous and degrading practices. But the prophets appeal to no law on the subject and it is clear that their objections to sites so natural for worship, and used by the Patriarchs and leaders of Israel with the sanction of Israel's God, is due both to the emergence with prophecy of a purer religion and to the experience throughout the intervening centuries of the evil effect on Israel of the associations of these sites with the immoral practices of the Canaanites and of the trust in purely material objects which they engendered in the worshippers. Nothing could overcome these evils except the destruction of the high places and the concentration of the worship of Jehovah upon one altar. Hence the rise of D's law, clearly unknown to the Judges, Prophets, and Kings of Israel at least down to Solomon and also to Elijah. The law is therefore the result of the teaching of the prophets of the 8th century; but this conclusion does not preclude the possibility of earlier sporadic attempts, especially in Judah, to do away with the heathen sanctuaries (see Introd. § 11).

3. Destruction of altars, and other sacred objects in the Canaanite places. Similarly viii. 5; cp. Ex. xxxiv. 13. But here the verse is evidently a later intrusion; it breaks the connection between *vv.* 2 and 4.

break down] Rather, **tear down**; in O.T. of altars, high places, walls.

altars] Lit. *positions for slaughter* and sacrifice. See Driver on Ex. xx. 24.

pillars...Asherim] For these see on xvi. 21, 22. The verbs *burn* and *hew down* ought probably to be transposed (Grätz), cp. LXX and vii. 5, 25.

graven images of their gods] Apparently distinct from the pillars and *'Ashērîm*. Heb. *pasîl* as in vii. 5, 25 (also in Hos. and Mic.) another form of *pesel*, iv. 16, 23, 25, v. 8.

and destroy their name out of that place] vii. 24 with another form of the same vb.: see on *v.* 2. To destroy the worship of a god is to prevent his manifestation to men, so that it is as if he ceased to be. Cp. the analogy in Israel, when Moses pleads that Jehovah will not destroy *for His name's sake*; if they perish, who will perpetuate His name, i.e. His worship, His revelation, Himself? See on *v.* 4.

Ye shall not do so unto the LORD your God. But unto the 4
5 place which the LORD your God shall choose out of all your
tribes to put his name there, even unto his habitation shall
ye seek, and thither thou shalt come: and thither ye shall 6

4. *Ye shall not do so unto the LORD your God*] Clearly this follows not the preceding verse but *v.* 2.

5. *the place which the LORD your God shall choose*] *Place.* Sg., in contrast to all the places of *v.* 2. 'Jehovah chooses it (in contrast to the sanctuaries chosen by Israel themselves) for a sanctuary for Himself, as He has chosen the people that it may be holy to Him (cp. vii. 6). He is therefore no limited, local deity, tied to the soil, like the Ba'alim. He might have chosen another place out of all your tribes than Jerusalem.' (Bertholet). The phrase is D's regular description of the One Sanctuary: either alone, xii. 18, 26, xiv. 25, xv. 20, xvi. 7, 15, 16, xvii. 8, 10, xviii. 6, xxxi. 11; or with additions:—*in one of thy tribes* (xii. 14)=*out of all your tribes* (here LXX, *in one of your cities*); *to put His name there*, here *v.* 21, xiv. 24; *to cause His name to dwell there*, *v.* 11, xiv. 23, xvi. 2, 6, 11, xxvi. 2. All these except xii. 4, 11 are in the Sg. address. The only other passage in the Hex. in which the phrase occurs is the deuteronomic Josh. ix. 27. In E, Ex. xx. 24, the parallel but contradictory phrase is *in every place where I record my name* (see Driver's note). For *shall choose* Sam. has curiously *hath chosen*, abandoning the standpoint of the speaker, assumed by the Heb. text, for that of the writer. *The place* is of course Jerusalem (cp. 1 Kgs viii. 44, 48 and other deuteronomic passages in Kings). The naming of the place would not be compatible with the standpoint of the speaker, and was superfluous to the generation for whom D wrote.

to put his name there] For other instances of the phrase in D and its alternative, *cause his name to dwell there*, see previous note. *The name of God* is just God Himself as manifested to men. So E, Ex. xxiii. 21, of the angel sent by Him before Israel: *my name is in him*; and J, Ex. xxxiii. 19, of the moral nature of Israel's God: *I will make all my goodness pass before thee and will proclaim the name of Jehovah before thee.* His sanctuary is *the place of Jehovah's name* (Is. xviii. 7) because there He reveals Himself to Israel; to Jerusalem *the nations shall gather to the name of Jehovah* (Jer. iii. 17); cp. the deuteronomic phrase *to build an house to the name of Jehovah* (2 Sam. vii. 13; 1 Kgs iii. 2, v. 3, 5 (17, 19), viii. 16—20, 44, 48.

even unto his habitation] So Heb.; but LXX (as in *v.* 11), *to cause it to dwell.* If this reading be adopted the following vb. must refer back to the words, *to the place*, at the beginning of the verse.

shall ye seek] A technical term for resort to the Deity or his shrine: *v.* 30, after other gods (but with sense of enquiring); J, Gen. xxv. 22, to Jehovah; Am. v. 5, to Bethel. In iv. 29 the sense is not technical but has a moral force. For another meaning of the same vb. see xi. 12.

and thither thou shalt come] The only Sg. phrase in this statement

bring your burnt offerings, and your sacrifices, and your tithes, and the heave offering of your hand, and your vows,

of the law; but either delete *thou shalt come* with LXX B, or read *ye shall come* with Sam., LXX A and other codd. and Luc.

6. Thither all sacrifices and sacred dues are to be brought; for variants in the other statements of the law see *vv.* 11, 13, 17, 27.

your burnt offerings and your sacrifices] *'Olōth* and *z'baḥim*: the two most ordinary forms of animal sacrifice, *vv.* 11, 27; Ex. x. 25 (J) and xviii. 12 (E), but in Ex. xx. 24 (E), *'olōth* and *sh'lamīm*. The *'ôlah*, what *goes up*, either upon the altar or in smoke to heaven, was the whole victim (except the hide) and was wholly consumed (hence the LXX, ὁλοκαύτωμα, Vg. *holocaustum*); the worshippers took no part of it. The *zebaḥ*, lit. *the slaughtering*—at first all slaughter of domestic animals was sacrificial—was the more ancient and common form of sacrifice, of which the blood was poured out and the fat burned as the Deity's portion, certain other parts were given to the priest as his due (see on *t'rumah* below) and the rest eaten by the worshippers. In early Israel the *zebaḥ* is mentioned along with the *minḥah* (lit. *gift*), the cereal or 'meat' offering (1 Sam. iii. 14, xxvi. 19). The *shelem*: R.V. *peace offering* (after the LXX), according to others *thank offering*, is more probably, because of its name (from *shillem*, to *fulfil* or *discharge*) and because of its use (instead of *zebaḥ*) for sacrifices in general, *fulfilment*, *discharge*, i.e. of vows, etc. Yet in this case the form *shillum* would be more natural. See on xxvii. 7.

These ordinary sacrifices, then, which the older law in E directs shall be made on an altar *in every place where Jehovah shall record His name* (Ex. xx. 24), must, according to D, be brought to the One Altar. The necessary corollary is not given in this first statement of the law but follows in the third, *vv.* 15 f., 20 ff.

your tithes] or tenths: at first used generally in Eng.—'every tithe soul,' 'the tithe of a hair' (Shakespeare)—but like the Scots 'tiends' generally limited to taxes of one-tenth especially in kind; in D of corn, wine and oil, *v.* 17, xiv. 23, of the increase of thy seed, xiv. 22, of the increase of each third year, xiv. 28, xxvi. 12. See further on these passages.

the heave offering of your hand] Heb. *t'rumah* from *herīm*, *to raise*; not as the Eng. translation suggests that which is elevated ritually before the altar; but that which is *lifted off* or *out of* a greater mass, LXX, ἀφαίρεμα, and separated or abstracted, LXX, ἀφόρισμα, for the sanctuary. In D (before which it does not occur) only here and *vv.* 11, 17. Probably it is here intended to cover the firstfruits of corn, wine, oil and wool, xviii. 4, of all the fruit of thy ground, xxvi. 2 (on which see further), already prescribed in the earlier legislation of E, Ex. xxiii. 16, 19. The term is much more frequent in P and Ezekiel and with a wider application: of fruits of the soil, Num. xv. 19—21 (cp. Neh. x. 37); of gold, silver, bronze and other precious objects for the sanctuary, Ex. xxv. 2 f.; of the sanctuary half-shekel, Ex. xxx. 13; of the lands

and your freewill offerings, and the firstlings of your herd
and of your flock: and there ye shall eat before the LORD 7
your God, and ye shall rejoice in all that ye put your hand

reserved for priests and Levites, Ezek. xlv. 1, 6 f.; of the portions for priests lifted off the sacrificial victims, Lev. vii. 14; Ex. xxix. 27 f. **Contribution** is therefore the Eng. word which comes nearest to it, but is not satisfactory[1]. *Of your hand*: it is not to be abstracted by an official but must be a direct and personal gift of the worshipper.

your vows] *Things vowed* to God or to the sanctuary in connection with prayers, for deliverance from some pressing danger or the success of an enterprise, see further on xxiii. 21—23 (22—24), and here note only the development from the simple directions of D to the elaborate and discriminating laws of P on the same subject, Lev. xxvii. 1—29; Num. xxx. (further in the Mishna tractate *Nedarim*); and the frauds practised with vows, Mal. i. 14, and the casuistry, Matt. xv. 4 f.; Mk vii. 10 f.

your freewill offerings] Sacrifices you are moved to make without previous promise or legal injunction.

firstlings of your herd and of your flock] See on xv. 19—23.

7. *and there ye shall eat before the LORD your God*] i.e. sacramentally; for this eating is as much a part of the religious rite as the offering of certain portions of the victim on the altar. *Before your God* (*vv.* 12, 18, xiv. 23, 26, etc.), in His presence; there is no statement that the feast was shared with Him, though of course the burning of the fat on the altar meant that He shared it; and there can be no doubt that this physical communion of the deity and his worshippers was the original meaning of such sacrifices (see W. R. Smith, *Rel. Sem.* 207 ff.). The absence of the statement of any such idea was, however, to be expected in D.

and ye shall rejoice in all that ye put your hand unto] *Rejoice*, so simply, xiv. 26; *before Jehovah thy God*, xvi. 11, xxvii. 7; *rejoice in the feast*, xvi. 14; *be altogether joyful*, xvi. 15; *in all the good which Jehovah thy God hath given thee*, xxv. 11; *in all the mission* or *enterprise of your hand*, *v.* 18, xv. 10, xxiii. 20 (21); cp. xxviii. 8, 20, *blessing... and rebuking in all that thou puttest thy hand to*. This last expression is peculiar to D and synonymous with *the work of thy hand* (ii. 7, xiv. 29, xvi. 15, xxiv. 19, xxviii. 12, xxx. 9). The sacrament was thus also an eucharist; a thanksgiving for the success of the year's toil.

It has been rightly emphasised (Steuern. and Berth.) that in so elaborate a list of offerings, apparently meant to be complete, there is no mention of the sin and guilt offerings which are enforced in P; these, therefore, were unknown, or disregarded, by the deuteronomists. The worship to which Israel is commanded in D is, in spite of D's rigorous ethical teaching and sense of Israel's sins, one only of joyous

[1] *Transfer* or *conveyance* is also possible.

unto, ye and your households, wherein the LORD thy God
8 hath blessed thee. Ye shall not do after all the things that
we do here this day, every man whatsoever is right in his
9 own eyes: for ye are not as yet come to the rest and to the

communion with Jehovah and thankfulness for the material blessings which He annually provides.

ye and your households] The family character of the worship is frequently emphasised by D and is very striking in view of his centralisation of Israel's worship. Here again there is a contrast with P.

8—12. SECOND STATEMENT OF THE LAW OF THE SINGLE SANCTUARY.

With a different preface from the first, contrasting Israel's duty after settlement to concentrate on the one altar, not with the practice of the Canaanites, but with that of Israel itself in the time of the wanderings: for the rest substantially the same as the first statement, and like it in the Pl. address, with one doubtful transition to Sg.: see on *v.* 9.

8. *Ye shall not do after all the things that we do here this day*] That is in the time of Moses the speaker, and in Moab; but with reference (as the following *vv.* indicate) to the ritual practice of Israel during the whole forty years preceding their settlement. There may, however, be also here a reflection of the religious practice of the writer's own time (Oettli).

every man whatsoever is right in his own eyes] So with regard to the multiplication of local shrines after the settlement in Canaan, Judg. xvii. 6, cp. xxi. 25.

But if Israel and even Moses—*we!*—worshipped, where every man thought good, what are we to make of P's account of the institution of the Tabernacle at Sinai, and of its use during the rest of the forty years and of P's rigorous and exact laws (e.g. Lev. xvii.) concerning the ritual? Obviously P either did not exist when D's law of the one altar was written, or was unknown to its author. Amos agrees with D. His challenge to Israel (v. 25), *did ye bring unto Me sacrifices and offerings in the wilderness forty years?* expects a negative answer in support of his polemic against all sacrifice. Jeremiah's report of a word of God (vii. 22): *I spake not unto your fathers in the day that I brought them out of the land of Egypt concerning burnt offerings or sacrifices* is also indicative of the non-existence of P in the 7th century; and though it continues to give expression to the essential contents of the deuteronomic covenant in deuteronomic language it is difficult to reconcile it with such a law as is now before us.

9. *for ye are not as yet come to the rest*, etc.] The present irregular form of Israel's worship is excused by their unsettled, wandering condition. It was then inevitable, but if so what becomes of P's central

inheritance, which the LORD thy God giveth thee. But 10
when ye go over Jordan, and dwell in the land which the
LORD your God causeth you to inherit, and he giveth you
rest from all your enemies round about, so that ye dwell in
safety; then it shall come to pass that the place which the 11
LORD your God shall choose to cause his name to dwell
there, thither shall ye bring all that I command you; your
burnt offerings, and your sacrifices, your tithes, and the heave
offering of your hand, and all your choice vows which ye
vow unto the LORD: and ye shall rejoice before the LORD 12
your God, ye, and your sons, and your daughters, and your

sanctuary in the wilderness and his rigorous laws for the ritual? *To the rest*, 1 Kgs viii. 56 (deuteronomic); there the erection of the Temple marks the close of Israel's struggles for possession of the land: cp. *v.* 10 *b*.

the inheritance which the LORD **your** *God* **is about to give you**] See on iv. 21. Heb. *thy* and *thee*. But probably *your* and *you* should be read with Sam. and some LXX codd. (most read *our God giveth you*). At the same time *inheritance* is elsewhere used with passages in the Sg. address: if the Sg. be retained here the clause must be a later insertion.

10. *when ye go over Jordan*] The usual phrase with the Pl., see on iii. 18, iv. 21; but ix. 1 is Sg.

causeth you to inherit] See on i. 38.

giveth you rest, etc.] See on *v.* 9.

11. See on *vv.* 5 f. where the expressions are the same or similar; only *cause his name to dwell there* for *put his name there* (*v.* 5); *all I* **am about to command you** (cp. *v.* 14); *firstlings* and *freewill offerings* are omitted; and for *vows* there is *choice vows*, Heb. *all the choice of your vows*—ambiguous, and either only the *choicest of the things you have vowed* (cp. Ex. xiv. 7, xv. 4) in which case the form of the law is a modification of the other, or *the choice things, your vows*. More probable is the former. Of the contrary opinion is Bertholet.

12. See on *v.* 7: *eat* found there is here omitted; and *your households* is defined as *sons, daughters, bondmen* and *bondmaids*, and *the Levite within your gates*. So *v.* 18, xvi. 11, 14 (+*stranger, fatherless, widow*, cp. xiv. 29), v. 14 (*stranger* instead of *Levite*), xiv. 26 f. (*household* and *Levite*), xxvi. 11 (*thou, Levite and stranger*). Wives are not mentioned, for they are included in those to whom the law is addressed: a significant fact. *The Levite within your gates* (the only instance of the phrase with the Pl. address, see on *v.* 17) is the family or local minister of the ritual, who is deprived of the means of subsistence by the disestablishment of the rural shrines, *and hath no portion nor inheritance with you*, no land of his own: see on x. 9 and further under xviii. 1—8.

menservants, and your maidservants, and the Levite that is
within your gates, forasmuch as he hath no portion nor
13 inheritance with you. Take heed to thyself that thou offer
14 not thy burnt offerings in every place that thou seest: but
in the place which the LORD shall choose in one of thy
tribes, there thou shalt offer thy burnt offerings, and there
15 thou shalt do all that I command thee. Notwithstanding
thou mayest kill and eat flesh within all thy gates, after all
the desire of thy soul, according to the blessing of the
LORD thy God which he hath given thee: the unclean and
the clean may eat thereof, as of the gazelle, and as of the
16 hart. Only ye shall not eat the blood; thou shalt pour it

13—19. THIRD STATEMENT OF THE LAW OF THE ONE SANCTUARY.

In the Sg. address and with phrases characteristic of that form. In substance much the same as the two previous statements, the *zᵉbaḥim* being curiously omitted from the list of offerings. *Vv.* 15 f. are clearly a later insertion. We see from this statement how a law tended in the hands of the deuteronomists to grow both in content and form.

13. *Take heed to thyself*] See on vi. 12.

burnt offerings] *'Olōth* alone without *zᵉbaḥim*. This may have been the original form of the law. Contrast *vv.* 6 and 11.

in every place that thou seest] Peculiar to this statement: i.e. *every sacred place* used as such by the Canaanites on the conspicuous positions described in *v.* 2. *Thou seest*, cp. Ezek. xx. 28, *when I had brought them into the land...then they saw* (or *looked out for*) *every high hill and every thick tree and offered there*, etc.

14. See on *v.* 5: here *in one of thy tribes* instead of *out of all thy tribes*.

15, 16. *Notwithstanding...Only*] Both = Heb. *raḳ*, used to introduce exceptions or qualifications to the laws, 10 times, and 10 more in the rest of the book (see on x. 15). On the contents of these verses see *vv.* 20—25 which they anticipate, disturbing at the same time the list of offerings begun in 13, 14 and continued in 17. The immediate connection of 17 with 14 is clear. On these grounds *vv.* 15, 16 are generally taken as a later insertion. Note, too, the Pl. *ye shall not eat* in 16. The Pl. does not occur in the rest of this statement of the law and may well be due to the hand that has made this addition; as so many of these sporadic changes of address are found in editorial additions. The LXX confirms the Pl. here: the Sam. Sg. may be due to harmonising.

17. Direct continuation of 13, 14, completing the list of offerings to be brought to the one altar. On the contents see on *vv.* 6 and

out upon the earth as water. Thou mayest not eat within 17
thy gates the tithe of thy corn, or of thy wine, or of thine
oil, or the firstlings of thy herd or of thy flock, nor any of
thy vows which thou vowest, nor thy freewill offerings, nor
the heave offering of thine hand: but thou shalt eat them 18
before the LORD thy God in the place which the LORD thy
God shall choose, thou, and thy son, and thy daughter, and
thy manservant, and thy maidservant, and the Levite that is
within thy gates: and thou shalt rejoice before the LORD
thy God in all that thou puttest thine hand unto. Take 19
heed to thyself that thou forsake not the Levite as long as
thou livest upon thy land.

11: the phraseology is however, unlike theirs, characteristic of the Sg. passages.

Thou mayest not] Heb., lit. *thou shalt not be able*: in the sense *thou must* or *darest not* only in Sg. passages: here, xvi. 5, xvii. 15, xxii. 3, or with *he*, xxi. 16, xxii. 19, 29, xxiv. 4.

within thy gates] Thy homestead or town of residence: used almost exclusively with Sg. (v. 14, xii. 17 f., 21, xiv. 21, 27, 28, 29, xv. 22, xvi. 11, 14, xvii. 8, xxiv. 14, xxvi. 12, xxxi. 12, cp. xxviii. 57). Only one Pl. passage has it, xii. 12.

18. See on *vv.* 5, 7, 12.

19. *Take heed*, etc.] See on vi. 12.

thou forsake not the Levite, etc.] So xiv. 27.

20—28. Practical Corollary to the Law of the One Altar.

Originally among the Semites as among some other races all slaughter of domestic animals was sacramental[1]: cp. the Heb. and Arab. word for altar, lit. *slaughter-place* (see on *v.* 3). But if this law was still to prevail when sacrifice was limited to one altar the flesh of these animals could only be enjoyed at it, and the lawful or 'clean' enjoyment of flesh became impossible to all who lived out of reach of the altar. Compare the analogy in Hos. ix. 3 f. where it is said that when Israel are exiled and cease to dwell in Jehovah's land, where alone sacrifice is legal for them, they must eat *unclean* food, and become polluted for their food has not first come *into a house of Jehovah* (cp. Am. vii. 17). The confinement of sacrifice to one place therefore rendered it necessary to sanction non-ritual slaughter and eating of animals. This is done in

[1] For the argument that this practice was due to belief in the kinship of the tribe (and its god) with its animals and that in consequence these were too sacred to be slain except with solemn rites and in the presence and with the consent of the whole family, clan or tribe, who all partook of the flesh and set apart certain portions and the blood for their god, see W. R. Smith, *Rel. Sem.* Lects. viii., ix.

20 When the LORD thy God shall enlarge thy border, as he
hath promised thee, and thou shalt say, I will eat flesh,
because thy soul desireth to eat flesh; thou mayest eat
21 flesh, after all the desire of thy soul. If the place which
the LORD thy God shall choose to put his name there be
too far from thee, then thou shalt kill of thy herd and
of thy flock, which the LORD hath given thee, as I have
commanded thee, and thou shalt eat within thy gates, after

the following verses but on two conditions, (1) that God shall have enlarged Israel's territory, and (2) that the eaters do not live in the neighbourhood of the altar. On these conditions the eating of domestic animals shall be as that of game, in need of no ritual sanction (22). Only their blood must be poured on the ground (23—25). And all *holy things*, specially consecrated, must be brought to the one altar, and the *'ōlōth* and the blood of the *zebahim* put upon it (26 f.). The section closes with a general injunction of obedience (28).—There appears no reason to doubt the unity of this supplement to the law of the one sanctuary (apart from small, possibly editorial, insertions). It is throughout in the Sg. address, and logical in its arrangement. The return to the keynote of the law is natural. Note the religious advance which it involves. By separating the enjoyment of animal food from religious rites (as well as by directing the blood of the animals to be poured on the ground), the law cut off the ancient primitive superstitions of the physical kinship of a tribe and their god with their animals, and rendered less possible the animal idolatry which these engendered.

20. *shall enlarge thy border*] So xix. 8, also Ex. xxxiv. 24, probably editorial.

as he hath promised thee] Heb. *has said*. To regard this as an editorial addition, on the ground that it anticipates 21 *b* (Steuern., Berth.), is precarious. The spirit of such a promise is in several previous passages: e.g. i. 21.

thy soul desireth] On the soul as seat of the appetite see xiv. 26, xxiv. 15; Gen. xxvii. 9; Pro. xxvii. 7. The frankness of this statement is noteworthy.

after all the (or **every**) *desire of thy soul*] The utmost freedom is granted. But the whole passage implies that flesh was eaten only seldom in early Israel, which is confirmed by Nathan's parable and the Book of Ruth (W. R. Smith, *OTJC*², 249 *n.*).

21. *If*] Rather, **Because**.

the place which the LORD thy God shall choose, etc.] See on *v.* 5.

thou shalt kill] The same vb. as is used of sacrifice but here in a non-ritual sense.

as I have commanded thee] Can only refer to *v.* 15 and if that, as we have seen probable, is a later insertion, this must be of the same character (Steuern., Bertholet).

all the desire of thy soul. Even as the gazelle and as the 22
hart is eaten, so thou shalt eat thereof: the unclean and
the clean shall eat thereof alike. Only be sure that thou 23
eat not the blood: for the blood is the life; and thou shalt

within thy gates] See on *v.* 17.

22. *Even as the gazelle and as the hart is eaten*] *Gazelle.* Heb. *ṣᵉbī*, and Ar. *ẓaby* or *thobby* (Doughty, *Ar. Des.* II. 468) are both properly the *gazella Dorcas*, a horned animal about the size of a roe-buck, but more graceful, numerous in Arabia and Syria; but as *ẓaby* was used as the more general term for *ghazāl* or gazelle (Lane), so *ṣᵉbī* probably covered several species of gazelle and antelope. *Hart*, Heb. *'ayyal*, from *'ul* to precede, as leader of the herd, perhaps the fallow deer *cervus dama*; but Ar. *'iyyal* is mountain-goat (Lane). The two names occurring together here, *v.* 15, xiv. 5, xv. 22, are not to be taken specifically, but generally of many kinds of gazelle, antelope and deer eaten by Israel and the Arabs, but not allowed for sacrifice (except in certain cases among the Arabs, Wellh. *Reste d. Arab. Heid.* 112). The reason was that wild animals taken in hunting were not akin to man, and therefore needed not to be eaten sacramentally. Hence the following clause—

unclean and clean shall eat thereof alike] Both adj., used also in physical and ethical sense, here mean ritually unclean and clean: the injunction is found elsewhere in D, *v.* 15, xv. 22, and in P. Sam., LXX add *among thee*. *Alike*, Heb. *together*, the one as well as the other.

so thou shalt eat thereof] i.e. of domestic animals: out of reach of the sanctuary they may be slain and eaten without rites. What freedom the deuteronomic law thus effected, in contrast to petty and embarrassing scrupulousness engendered by the legislation of P and its elaboration in later Judaism, can be appreciated only by a study of the N.T. texts on the question of meats: Cp. Acts x. 15, *what God hath cleansed make not thou common*; 1 Cor. x. 25, xi. 20 ff.; Rom. xiv. 20; 1 Tim. iv. 4, and for the expression of a still higher principle Matt. xv. 11.

23. *Only*] Heb. *rak*, see on x. 15, and xii. 15, 16.

be sure] Lit. *be firm* or *strong*: usually in D with another verb—*be strong and courageous*; see on i. 38, iii. 28.

that thou eat not the blood] That there was at once a strong temptation to partake of the blood and from the earliest times a national conscience against doing so, is seen in 1 Sa. xiv. 32 ff., according to which *the people flew upon the spoil*—sheep, oxen and calves *and slew them on the ground*, without altar or rites, *and ate them with the blood.... So the people sin against Jehovah in that they eat with the blood, and he said, Ye have transgressed.* For a similar conscience, and violation of it, among the Arabs, see Doughty, *Ar. Des.* II. 238.

for the blood is the life] The identification of blood and life was a matter of ordinary observation; as the one ebbed so did the other.

24 not eat the life with the flesh. Thou shalt not eat it; thou
25 shalt pour it out upon the earth as water. Thou shalt not
eat it; that it may go well with thee, and with thy children
after thee, when thou shalt do that which is right in the eyes
26 of the LORD. Only thy holy things which thou hast, and
thy vows, thou shalt take, and go unto the place which the
27 LORD shall choose: and thou shalt offer thy burnt offerings,
the flesh and the blood, upon the altar of the LORD thy
God: and the blood of thy sacrifices shall be poured out
upon the altar of the LORD thy God, and thou shalt eat the
28 flesh. Observe and hear all these words which I command
thee, that it may go well with thee, and with thy children

As life, the blood belonged to the Deity. Cp. P (Gen. ix. 4; Lev. xvii. 11, 14), in which, however, the belief was strengthened by the stress that P lays on the expiatory value of sacrifice. Other Semitic peoples shared the same belief. 'In all Arabian sacrifices, except the holocaust...the godward side of the ritual is summed up in the shedding of the victim's blood, so that it flows over the sacred symbol, or gathers in a pit (*ghabghab*) at the foot of the altar idol....What enters the pit is held to be conveyed to the deity' (W. R. Smith, *Rel. Sem.* 321). The same authority points out that the practice existed also in some Syrian sanctuaries. That it was still older than the Semites is proved by Mr R. A. S. Macalister's discovery of the neolithic sanctuary at Gezer. Note, however, that D (unlike P) sets no atoning value on the shedding of the blood or life, nor any ritual significance on the slaughter of animals apart from the one altar, but simply states—

24. *Thou shalt not eat it; thou shalt pour it out upon the earth as water*] It shall have no other significance than that!

26, 27. The return to the fact that solemn sacrifices shall nevertheless be made at the one altar is natural. On *holy things* cp. Nu. v. 9 f., xviii. 19. On *burnt offerings* which, of course, included the blood, and on *sacrifices* see on *v.* 6. Of both the blood had a religious significance.

28. A closing injunction to keep the whole law of the One Sanctuary.

Observe and hear] See on vi. 3, vii. 12.
that it may go well with thee] iv. 40.

29—31. TRANSITION TO THE LAWS IN xiii. (AND THOSE IN xvi. 21—xvii. 7).

When settled in W. Palestine Israel shall not inquire into the manner of the worship of the local deities, and so be enticed to imitate it in the worship of their own God, for the Canaanites in their worship practise every abomination to Jehovah: they even burn their children

after thee for ever, when thou doest that which is good and right in the eyes of the LORD thy God.

When the LORD thy God shall cut off the nations from 29
before thee, whither thou goest in to possess them, and thou
possessest them, and dwellest in their land; take heed to 30
thyself that thou be not ensnared [1]to follow them, after that
they be destroyed from before thee; and that thou inquire
not after their gods, saying, How do these nations serve
their gods? [2]even so will I do likewise. Thou shalt not do 31

[1] Heb. *after them.* [2] Or, *that I also may do likewise*

to the gods.—Here we meet one of the greater difficulties raised by the order of the laws in the code. For unless this short passage be merely one of the many exhortations, which, like a chorus, break in upon both the narratives and the laws of D, it is meant as an introduction to the laws against seducers to idolatry, which follow in ch. xiii. Yet, as such, it is abrupt and incomplete; *v.* 31 warns against *every abomination to Jehovah*, and then, instead of a list of those abominations, gives only one. Now others are given in xvi. 21—xvii. 7; and that passage is clearly out of place where it stands, between laws relating to judicial authorities and procedure. The suggestion has therefore been made (first by Dillmann, cp. Driver on xvi. 21 and Bertholet on xii. 29 and Marti in Kautzsch's *Heil. Schrift des A.T.*) that xvi. 21—xvii. 7 originally stood between xii. 29—31 and xiii. 2 ff. There is much in favour of this suggestion; xvi. 21—xvii. 7 naturally continues xii. 29—31 and has phrases in common with this (*which thy God hateth* and *abomination*), while its second part commanding the punishment of idolatrous Israelites as naturally leads up to the three laws in xiii. 2 ff. (xiii. 1 ff.). On the relation to xii. 29—31 of xviii. 9—12, also on the sacrifice of children, see on the latter passage. A further difficulty is xii. 32 (xiii. 1), see the note on it.

29. *When the LORD thy God shall cut off the nations*] So xix. 1 (cp. deuter. Josh. xxiii. 4 f.); beyond this the verses differ.

whither thou goest in to **dispossess** *them*] Characteristic of the Sg. passages, cp. ix. 5; xix. 1 has *whose land the LORD thy God is about to give thee.*

and thou **shalt have dispossessed them**] So xix. 1: R.V. *succeedest them.*

and dwellest in their land] xix. 1, *their cities.*

30. *take heed to thyself*] See vi. 12.

ensnared to follow them] **snared away after them**; cp. vii. 16, 25.

inquire not after] See on *seek*, *v.* 5.

How do these nations serve, etc.] Rather *How* **used** *these nations* **to worship.**

so will I do, I also or **in my turn**] The lighter form of the pronoun,

so unto the LORD thy God: for every abomination to the LORD, which he hateth, have they done unto their gods; for even their sons and their daughters do they burn in the fire to their gods.

ʾānī, used in the Song xxxii. and throughout P, is found in D (which elsewhere uses the heavier form *ʾānōkî*) only here and xxix. 5; and is to be explained by the common O.T. usage of preferring *ʾānī* when the pronoun is employed in emphasis as here.

The whole verse is true to the religious situation in which Israel found themselves after settlement in Canaan. They came under the belief, prevalent in antiquity, that not only must the gods of a land be propitiated by its invaders, but that worship must be offered only after the local *mishpat* or ritual (1 Sa. xxvi. 19; 2 Kgs xvii. 25 ff.). So they *inquired* what that *mishpat* was and conformed to it the worship of their own God, with the result of confusing Him with the gods of the land.

for even their sons and their daughters do they burn] or *used to burn*. That the Semites (as well as other ancient races) sacrificed children has been amply proved. Mesha of Moab, hard pressed by Israel, slew his first-born to Kemosh (2 Kgs iii. 27) just as we know, through the Greeks (Diod. Sic. XX. 14, Porph. *apud* Euseb. *Praep. Evang.* IV. 64, 4), was the practice of Phoenicians and Carthaginians in times of national danger or disaster. On human sacrifices among them, the Syrians, and ancient Arabs see notes to pp. 346 ff. of W. R. Smith's *Rel. Sem.* For the Canaanites the evidence of the sacrifice of children by slaughter and burning is conclusive, both from the O.T. texts, and recent discoveries:—

At Gezer round the feet of the *maṣṣeboth* (see on xvi. 22) and 'over the whole area of the High Place the earth was discovered to be a regular cemetery in which the skeletons of young infants were buried. These infants were never more than a week old. Two at least showed marks of fire.' They were buried in jars, each with a lamp and a bowl, as if symbols of fire and blood (R. A. S. Macalister, *PEFQ*, 1903, *Bible Side Lights etc.*, 73 f.). At Ta'anak Sellin found jars with the remains of 20 infants, some up to 5 years of age close to a rock altar (*Tell Ta'annek*, 35 ff.). At Megiddo (Tell el-Mutesellim) under the corner of a temple four jars with remains of infants were dug up from a stratum probably of the late Israelite period. Others have been found under the walls of houses, but whether these were of still-born infants or of such as died naturally is not known; in Egypt, as the present writer has been informed by the American missionaries, the still-born children of Copts are buried in the house (whether with the hope that they may be re-born into it?). See further Frazer, *Adonis, Attis* etc. 78. But there can be no doubt of the fate of those found in the sanctuaries; the marks of fire on some and the presence of lamps and bowls prove slaughter and sacrifice by fire. So too the vb. *burn* used here and in Jer. vii. 31, xix. 5, as well as the story of Abraham and Isaac, indicates a full sacrifice, slaughter and at least partial consumption by fire on an altar. On this Ezek. xvi. 21 (cp. xxiii. 39) is explicit: *thou hast slain my children and didst deliver them up in causing them to pass through* (sc. the fire) *to them*. The fire was the means of their conveyance to the deity. Therefore the expression *to make son or daughter pass through the fire* (xviii. 10) cannot be explained as merely a consecration or ordeal by fire. The data do not enable us to determine whether at any time the practice of devoting the firstborn was binding and universal among the Canaanites, or was confined to

periods of calamity. That even among the Canaanites there was a revolt from it is proved by Mr Macalister's discovery (*op. cit.* 170 f., *PEFQ*, 1903, 8 f.), in some strata of the pre-Israelite period, of lamps and bowls buried with the jars instead of children and as if in substitution for these.

The practice by Israel of sacrificing children after the same fashion and from the same motives is proved by the narratives and laws of the Old Testament as well as by the prophets:—

The story, which is found in E, Gen. xxii., that the divine word bade Abraham sacrifice Isaac and then revealed a substitute in the ram, is evidence that at one time among the Hebrews the belief had prevailed in the duty of fathers to slay their children, if required, as proof of their fidelity to their God, but that by His mercy a substitute was allowed. This is confirmed by the form of the law in J, Ex. xiii. 12. Though this sanctions the redemption of the firstborn son by an animal, the way in which it opens—*thou shalt cause to pass over unto Jehovah all that openeth the womb and every firstling which thou hast that cometh of a beast*—indicates that the original principle, on which Israel acted, was that the firstborn of men, equally with those of animals, were due to the deity by sacrifice. In Judah in the 7th century the popular belief was that Jehovah Himself had given a law obliging the burning of children, for Jeremiah (or a deuteronomic writer whose words have been here placed among his prophecies) emphatically denies the existence of such a law: *which I commanded not, neither came it into my mind* (vii. 31, xix. 5). On the other hand Ezekiel supports the opinion that Israel's God had given such a law and explains that this was in order to punish the second generation in the wilderness, xx. 25: *moreover I gave them also statutes not good and judgements whereby they should not live, and I polluted them in their own gifts, in that they caused to pass through* (sc. the fire) *all that openeth the womb, that I might make them desolate* (see A. B. Davidson's note on this passage in *Ezekiel* in this series).

There was therefore a memory in Israel that the fathers of the race had shared the general Semitic conscience that the sacrifice of children was sanctioned or even expressly commanded by God, but that from an early time He had permitted the substitution of an animal, which permission, J tells us, was expressly dictated by Moses at the Exodus. In the early centuries after the settlement there are no instances of child-sacrifice in Israel except in the story of Jephthah (and more doubtfully in that of Hiel, the re-builder of Jericho). And the cases which recur later are all explicable by the bad influence of the neighbouring heathen, and the panic produced by national disaster, either actual or threatened. So in the case of Ahaz (2 Ki. xvi. 4), the historical character of which there is no reason to doubt (see as against Moore, *E.B.* art. 'Molech' the present writer's *Jerusalem*, II. 127, 264); and so with the recrudescence of the practice in the 7th century under Manasseh, and the use of the horrible Topheth or Tephath in the valley of Hinnom (Jer. vii. 31, xix. 5; 'Mi.' vi. 6 f.; Ezek. xvi. 21, xx. 18 ff., xxiii. 39). The present Hebrew text of Jer. says that these sacrifices were offered to 'Molech,' but 'there are grounds for believing that this was a divine title, Melek or King, rather than a name: and that the awful despot who demanded such a propitiation was regarded by the Jews as none other than their own God' (*Jerusalem*, II. 264). This is clear, as we have seen above, from the passages in Jeremiah and Ezekiel. And the reason is plain why D, a work of the 7th century, should alone of all Israel's law-books be

32 What thing soever I command you, that shall ye observe
to do: thou shalt not add thereto, nor diminish from it.
13 If there arise in the midst of thee a prophet, or a dreamer

ardent, equally with the great prophets of the time, in repudiating child-sacrifice.

32. (xiii. 1 in Heb.) is remarkable here; and would seem more in place at the beginning of the section before 29. The text is not certain; LXX A harmonises to Sg. throughout, but other versions confirm the Heb., though variously (LXX B *you* and the rest Sg., but Sam. *thee* and the rest Pl.), in a change of address. This and the use of common formulas mark the verse as editorial. It may have been thought necessary, after the removal from here of xvi. 21—xvii. 7 (see above), as an introduction to xiii. 1 ff. (xiii. 2 ff. in Heb.).

command you] Sam., LXX add *to-day*.

observe to do] See on v. 1.

thou shalt not add, etc.] See on iv. 2.

Ch. XIII. 1—18 (2—19 in Heb.). Three Laws against the Worship of Other Gods.

The first is against the prophet, who, while able to give a sign or wonder, shall say, let us go after other gods; he is only God's test to prove Israel; hearken not to him but walk after Jehovah; as for the prophet, put him to death (1—5). The second is against the relative or friend who may similarly entice; consent not, neither pity, nor spare him, but kill him by stoning (6—11). The third is against any city, drawn away by sons of Belial, to worship other gods; in such a case inquisition shall be made, and if the thing is certain the inhabitants shall be slain and the city and its contents devoted (12—18).—The whole piece is a unity (with few editorial additions); but we have seen that it was originally preceded and led up to by xvi. 21—xvii. 7. Like this it is throughout in the Sg., except for *v.* 4, which has other signs of being an editorial addition. The variations in the use of the same formulas are interesting (e.g. *vv.* 2, 6, 13): even a law-giver was not bound to exact repetition! The reader will keep in mind that in the Hebrew text the verses are numbered one later than in the English.

1—5 (2—6 in Heb.). Against the Prophet or Other Gods.

1. *If there arise in the midst of thee*] So xix. 15 and 16 also Sg. Cp. the synonymous *if there be found in the midst of thee* xvii. 2, xviii. 10, xxi. 1, xxii. 22, xxiv. 7. Steuern. takes this as characteristic of the Pl. document, but like the other it occurs with the Sg. address; and we have seen that xvii. 2 may originally have belonged to the same section as xiii. 1. No conclusion, therefore, can be drawn.

a prophet, or a dreamer of dreams] In early Israel regarded as

of dreams, and he give thee a sign or a wonder, and the sign 2
or the wonder come to pass, whereof he spake unto thee,
saying, Let us go after other gods, which thou hast not
known, and let us serve them; thou shalt not hearken unto 3
the words of that prophet, or unto that dreamer of dreams:

identical; cp. the frequency in E of dreams as revelations, e.g. Gen. xx. 3 to Abimelech, xxviii. 10 ff., xxxi. 11 to Jacob, and the oracle quoted in E, Nu. xii. 6: *if there be a prophet among you...I will speak to him through dreams*. In later times the dream was discarded by the prophets as a professional delusion, Jer. xxiii. 25, 27 and sharply distinguished from the true word of God: *the prophet that hath a dream, let him tell a dream: and he that hath my word, let him speak my word faithfully. What is the straw to the wheat?* (*id.* 28); *that prophesy lying dreams* (32); cp. xxvii. 9, xxix. 8 f., *prophets, soothsayers, sorcerers, diviners, your dreams that ye dream, they prophesy lies in my name, I have not sent them*; Zech. x. 2. These dreams of the false prophets appear to have been optimistic and unethical in contrast to the true prophet's word that convinced of sin and predicted disaster. D also uses *dreamer* of a false prophet, and opposes to his *dreams* the *commandments of Jehovah* (*v.* 4).

and he give thee a sign or a wonder] or **portent** (see on iv. 34), not necessarily what we narrowly call miracle (Israel making no distinction between natural and supernatural). Nor here are they wonders wrought on the spot such as Moses received as his credentials, Ex. iv. 2—9, J, and Aaron wrought before Pharaoh, vii. 9, P, nor like the Plagues brought upon Egypt; but (as is clear from the next verse) predictions of something that shall happen in the future like the signs foretold by Samuel to Saul (1 Sam. x. 1—9).

2. *come to pass*] Hebrew *come in, arrive* (1 Sam. x. 7, 9). Such a fulfilment of the sign is not to be any credential of the prophet's teaching, if he say—

Let us go after other gods] vi. 14 (*q.v.*), xi. 28, xxviii. 14, all Pl.; viii. 19, Sg.; with or without the addition *and serve*, i.e. **worship**, *them* as here. Cp. Jer. xxv. 6 (deuteron. ?).

which thou hast not known] *vv.* 6, 13, xi. 28, xxviii. 64, cp. viii. 3.

3. This refusal to recognise miracle as necessarily a proof of the truth of a prophet's doctrine is very striking. It is not in harmony with the earlier belief in Israel, expressed in JE and so characteristic of the Semitic genius (cp. the unwillingness of the heathen Arabs to receive a *kâhin's* or prophet's judgement on an ethical question except on the performance of some wonder, Wellhausen, *Reste des Arab. Heidentums*; and the readiness with which modern Arabs and Syrians accept the Biblical miracles) that it governed both the official and the popular mind in Jewry to the very end: *the Jews require a sign*, 1 Cor. i. 22; cp. John vi. 30 and our Lord's words Mt. xii. 38 f.; Mk viii. 11 f.; Lu. xi. 29 f. But it is in harmony with the teaching

for the LORD your God proveth you, to know whether ye
love the LORD your God with all your heart and with all
4 your soul. Ye shall walk after the LORD your God, and
fear him, and keep his commandments, and obey his voice,
5 and ye shall serve him, and cleave unto him. And that
prophet, or that dreamer of dreams, shall be put to death;
because he hath spoken [1]rebellion against the LORD your
God, which brought you out of the land of Egypt, and
redeemed thee out of the house of bondage, to draw thee

[1] Heb. *turning aside.*

of the prophets, who, except in the case of Isaiah, condescending to the superstitious Ahaz (vii. 10), commend their truth to Israel solely upon its spiritual strength, or if they add proofs, find these in natural phenomena (the success or failure of harvests, plagues and the like) or in the events of history. But see further on xviii. 21 f.

proveth you] *putteth to the proof* or *test.* See on iv. 34: cp. viii. 2, 16.

to know] See on vii. 9, viii. 2.

whether ye love] Stronger!—**whether it be that ye love.**

4. An accumulation of the frequent deuteron. phrases (*walk after* = *walk in his ways* with *fear* or *obey*: x. 12, xi. 22, xix. 9, xxvi. 17, xxx. 16; *keep commandments*: iv. 2+12 times in Deut. both in Sg. and Pl., either alone or with *love*, *keep* and *fear*; *obey his voice*: xxvii. 10, xxx. 2, 8, 20; *worship and cleave*: see on x. 20, which adds *swear by his name*, xi. 22, xxx. 20). But they are arranged with an emphasis lost in the Eng. transl. Read: **After Jehovah your God shall ye go, and Him shall ye fear, and His commandments shall ye keep, and His voice shall ye obey, and Him shall ye worship and to Him shall ye cleave.** It is a difficult question whether *v.* 4 breaking in with the Pl. address is editorial; the accumulated phrases point to that, and *v.* 5 connects with 3, yet the emphatic order is original and is continued into *v.* 5.

5. *And that prophet*, etc.] Again emphatic, the usual Hebrew syntax being changed: *but as for that prophet*, etc. *he*—

shall be put to death] The formal sentence, so xvii. 6, xxiv. 16 (cp. xxi. 22) and in E, Ex. xxi. 12, 15, 17, xxii. 19. The manner of death is not enjoined as in the next two laws.

because he hath spoken rebellion against, etc.] *Turning aside*, *perversion* or **apostasy**; also xix. 16. The corresponding verb is frequent in Deut. vii. 4, ix. 12, 16, xi. 16, 28, xxi. 13, xxxi. 29; with the addition, *neither to the right hand nor to the left*, v. 29, xvii. 11, 20, xxviii. 14; cp. ii. 27, iv. 9, xvii. 17.

the LORD **thy** *God which brought* **thee**] So Sam. and LXX. The Hebrew *your* and *you* are due to the attraction of the Pl. of *v.* 4.

redeemed thee out of the house of **bondmen**] See v. 6, vi. 12, vii. 8.

aside out of the way which the LORD thy God commanded thee to walk in. So shalt thou put away the evil from the midst of thee.

6 If thy brother, the son of thy mother, or thy son, or thy daughter, or the wife of thy bosom, or thy friend, which is as thine own soul, entice thee secretly, saying, Let us go and serve other gods, which thou hast not known, thou, nor thy fathers; 7 of the gods of the peoples which are round

to draw thee aside] See on iv. 19.

So shalt thou put away the evil] Too weak! Rather **burn out** or *consume*, as dung is burned, 1 Kgs xiv. 10. The phrase either with *from thy midst*, here, xvii. 7, xix. 19, xxi. 9 (*innocent blood*), 21, xxii. 21, 24, xxiv. 7, or with *from Israel* xvii. 12, xix. 13 (*innocent blood*), xxii. 22, occurs only with the Sg. address. It is always at the end of a law and refers to the punishment of the law-breaker (but see for another application of it xxvi. 13, 14), and except in xix. 19 always of capital punishment.

This verse 'shows how the people is already invested with a spiritual character. It has to act as a spiritual community (cp. xvii. 4 ff.) which sits in judgement upon religious seducers, and the means of judgement is as radical as possible. Israel ought to be a community of saints' (Bertholet).

6—11 (7—12 in Heb.). AGAINST ISRAELITES, WHO ENTICE TO STRANGE GODS.

A subtler source of seduction to idolatry may be found in one's own kith and kin: one of the many proofs of D's sympathy with, and understanding of, the influences of family life.

6. *If thy brother, the son of thy mother*] With Sam. and LXX, after *brother* add **the son of thy father or**; so that both full brother and half-brother are included.

or thy son, or thy daughter] Completing the blood relations (very significantly and characteristically father and mother are not mentioned as possible sources of temptation) only after whom we come to—

or the wife of thy bosom] xxviii. 54, 56, cp. 'Mi.' vii. 5: a tribute (cp. *daughter*) to the spiritual influence of women in D's view. As a matter of fact the danger was as great here as anywhere else.

or thy friend, which is as thine own soul] or *self*. 1 Sam. xviii. 1, 3, xx. 17.

entice] or *allure*, in D only here.

secretly] In contrast to the public enticements of the prophet.

saying, Let us go, etc.] See on *v.* 2.

7. *of the gods of the peoples which are round about you*] The Pl. *you* (confirmed by LXX) shows that the words *which are round-about-you* are merely an editorial echo of vi. 14, and ought to be deleted;

about you, nigh unto thee, or far off from thee, from the one end of the earth even unto the other end of the earth ;
8 thou shalt not consent unto him, nor hearken unto him ; neither shall thine eye pity him, neither shalt thou spare,
9 neither shalt thou conceal him : but thou shalt surely kill him ; thine hand shall be first upon him to put him to death,
10 and afterwards the hand of all the people. And thou shalt stone him with stones, that he die ; because he hath sought to draw thee away from the LORD thy God, which brought thee out of the land of Egypt, out of the house of bondage.
11 And all Israel shall hear, and fear, and shall do no more any such wickedness as this is in the midst of thee.

they are unnecessary and awkward with the following *nigh unto thee*, etc.

or far off from thee, etc.] By the 8th and 7th centuries (under Ahaz and Manasseh) the evil influence of cults of peoples at a distance had been added to those of the Canaanites, prevalent in the previous centuries.

8. *consent*] *be willing*, cp. i. 26.

neither shalt thine eye pity him] vii. 16, xix. 13, 21, xxv. 12.

spare] In D only here.

conceal] That is by silence (Pss. xxxii. 5, xl. 11) : cp. *secretly*, *v.* 6.

9. *thou shalt surely kill him*] No such previous procedure as in xvii. 4 is necessary in this case, for the persons commanded to slay are themselves witnesses of the fact. Note, however, that LXX has here, *thou shalt report* or *denounce him* (ἀναγγέλλων ἀναγγελεῖς περὶ αὐτοῦ) which is possible by a small change in the consonants of the Hebrew text.

thine hand shall be first upon him] As that of the witness of his crime and also because the family responsibility precedes that of the people. But—

afterwards the hand of all the people] For throughout D the people is the ultimate judiciary : see on i. 13, xvi. 18.

10. *stone him with stones*] Also in xvii. 5, xxi. 21, xxii. 21, 24 : cp. Josh. vii. 25. This form of capital punishment was natural because of the ready supply of stones on the soil of Palestine, because it was a form in which all the people responsible for its execution could share, and also because of the belief that by covering the corpses the spirits of the dead were also finally laid to rest. For a curious case of the stoning of women who had reviled (or blasphemed) the sun see Musil, *Ethn. Ber.* 312.

to draw thee away] See on *v.* 5.

house of **bondmen**] See on *v.* 5.

11. *all Israel*] D's usual phrase for the people : see on iv. 44.

If thou shalt hear tell [1]concerning one of thy cities, which 12
the LORD thy God giveth thee to dwell there, saying,
Certain [2]base fellows are gone out from the midst of thee, 13

[1] Or, *in* [2] Heb. *sons of worthlessness.*

shall hear, and fear] xvii. 13, xix. 20, xxi. 21.
do no more] Sam., LXX add *still* or *again*.
There is no more reason for taking this verse as secondary (Steuern.) than for taking as such the corresponding clause in *v.* 5 (*q.v.*).

12 -18 (13—19 in Heb.). AGAINST A CITY SEDUCED TO OTHER GODS.

12. in *one of thy cities*] So Hebrew. R.V. *concerning* is hardly possible (though cp. Ps. xcii. 12). As the words define not the place where the report has been heard, but the subject of the report, the guilty city itself; therefore either *saying* has been carelessly misplaced and should follow *hear* (tell) (cp. Josh. xxii. 11) or more probably the writer has designedly but awkwardly brought up the object of the law from the subordinate to the principal clause so as to make it prominent from the first: cp. xxxi. 29 (Dillm., Driv.). Translate: *if thou shalt hear tell, that, in one of the cities, which...certain base fellows have gone out*, etc.

cities] or **towns**; these social forms in Israel are much more frequent in D than *tribes* which under the settled conditions of the people towns gradually displaced; nearly always (exceptions xix. 1, xx. 16 and LXX of xii. 5) in these laws they are units of judiciary: here, xix. 1—13 (on *the cities of refuge*), xxi. 2 ff. (with criminal responsibility for murders committed near them), 19 ff., xxii. 15 ff., 24, xxv. 8: their representatives being their *elders*. The other phrase *within thy gates* is used of judiciary matters in xvi. 18, xvii. 2, 8 (otherwise it is reserved for religious and charitable directions: see on xii. 12, 21). But judges and officers are to be chosen *according to thy tribes*, xvi. 18 (for *tribe* see also xii. 5, 14).

giveth] **is about to give.**

13. *Certain base fellows*] Hebrew, *men, sons of belial* usually but doubtfully taken as *worthlessness* (as if a compound '*no use*), *good-for-nothing fellows*, Scot. 'ne'er-do-weels.' In early writings of the churlish, foul-mouthed, violent, drunken, unchaste, perjurers and abandoned criminals, but also of rebels against authority and religion as here (Judg. xix. 22, xx. 13; 1 Sam. i. 16, ii. 12, x. 27, xxv. 17, 25; 2 Sam. xvi. 7, xx. 1; 1 Kgs xxi. 10, 13). In D only here and xv. 9 (of *a base word* or *thought*), and nowhere else in Hexateuch.

are gone out] The vb. is used of going forth of set purpose to do something (Judg. ix. 8; 1 Sam. xxiii. 15) or, along with *coming in*, of all kinds of business (xxviii. 6, xxxi. 2). So here it might just mean deliberately and (of course) in public (opp. *secretly*, *v.* 6); but the addition *from the midst of thee* conveys the suggestion of *apostasy* from Israel: *they went out from us but they were not of us* (1 John ii. 19).

and have drawn away the inhabitants of their city, saying,
Let us go and serve other gods, which ye have not known;
14 then shalt thou inquire, and make search, and ask diligently;
and, behold, if it be truth, and the thing certain, that such
15 abomination is wrought in the midst of thee; thou shalt
surely smite the inhabitants of that city with the edge of the
sword, [1]destroying it utterly, and all that is therein and the
16 cattle thereof, with the edge of the sword. And thou shalt
gather all the spoil of it into the midst of the street thereof,
and shalt burn with fire the city, and all the spoil thereof
[2]every whit, unto the LORD thy God: and it shall be an
17 [3]heap for ever; it shall not be built again. And there shall

[1] Heb. *devoting it.* [2] Or, *as a whole burnt offering*
[3] Or, *mound* Heb. *tel.*

drawn away] *v.* 5: *draw thee aside* (*q.v.*).

Let us go and **worship**, etc.] See *vv.* 2, 6.

14. *inquire*] See xi. 12, xii. 30, xvii. 4, 9, xix. 18; in this sense or a similar *darash* is used elsewhere in the Pent. only in Lev. x. 16. *Make search*, *ḥaḳar*, investigate, in D only here; elsewhere of *exploring a land* and of examining a case (Job xxix. 16). *Ask diligently*, *well*, or *thoroughly*; *ask*, *sha'al*, like *darash*, *to make inquest*.

and the thing certain] or **the story established** or substantiated (xvii. 4), or *the case well-founded*.

abomination] See on vii. 25.

15. *thou shalt surely*] i.e. the whole nation.

with the edge of] Hebrew, *mouth of*.

destroying it utterly] *devoting* or putting it to the ban or *herem*. On this see ii. 34; it is the hardest form of the *herem* which is here pronounced upon an apostate city of Israel.

and the cattle, etc.] Not in LXX; probably a later addition to the law and if so illustrative of the ease with which its varied forms and degrees of stringency (see on ii. 34) arose (but see Driver's note here).

16. *street*] *broad* or **open place**. So far as they have been unearthed the streets of ancient Canaanite towns were as narrow as those of the villages of modern Palestine. But there was always a broad place, just inside the gate, where local courts and consultations were held.

every whit] **a whole offering**, holocaust. Hebrew *kalîl* usually synonymous with *'olah* (see xii. 6), but here used of the *herem*; so in Judg. xx. 40 of a city set on fire and its smoke: the whole offering of the city went up to heaven.

an heap] or *mound*. Heb., as Ar., *tel* (*tell*), in both languages also applied to the mounds on which living cities stand, their dead selves;

cleave nought of the devoted thing to thine hand: that the LORD may turn from the fierceness of his anger, and shew thee mercy, and have compassion upon thee, and multiply thee, as he hath sworn unto thy fathers; when thou shalt 18
hearken to the voice of the LORD thy God, to keep all his commandments which I command thee this day, to do that which is right in the eyes of the LORD thy God.

the remains of their previous gradual decay or overthrow: *all the cities standing on their mounds* (Josh. xi. 13, etc.).

17. *devoted thing*] *The thing banned*, as well as the *banning*, was called *herem*. See on ii. 34, vii. 26, and cp. Josh. vi. 18.

turn from the fierceness of his anger] So Josh. vii. 26, after the *herem* was fulfilled on Achan.

and shew thee mercy, etc.] Jer. xlii. 12.

multiply thee] Again this promise! i. 10, vi. 3 (*q.v.*), vii. 13, etc.

18. The usual condition attached to promises in Deut.: possibly editorial.

right] Sam., LXX add *and good.*

CH. XIV. 1—21. INSERTED LAWS ON RITES FOR THE DEAD, FOODS CLEAN AND UNCLEAN, ETC.

Between two laws, which forbid to Israel, as holy to Jehovah, certain rites of mourning for the dead, xiv. 1 f., and the eating of what has died a natural death (with an appendix against seething a kid in its mother's milk), *v.* 21—both of which contain deuteronomic phrases—there lies a passage, *vv.* 3—20, on clean and unclean foods, in which the language is not deuteronomic, but has phrases peculiar to P. The first law against the mourning customs cannot be earlier than the end of the 7th century when these customs were not only practised in Israel but regarded as sanctioned. Further there are no parallels to these laws in JE, except to *v.* 21, but there are parallels to all the rest in the late legislation of P (or H): Lev. xi. 2—23, xx. 25. Again the form of address is, unlike the laws in xiii. and xiv. 22 ff., throughout in the Pl., save only for the deuteronomic phrases in *vv.* 2, 3, and 21. All this is reasonable ground for taking the whole section as a later (exilic or post-exilic) addition to the code of D (with the possible exceptions of *vv.* 3, 21 which may be fragments of the original D). Note that there is no reference to such laws in the reforms of Josiah. The relations of this section to its parallel in Lev. xi. 2—23 are uncertain. Lev. does not contain the list of clean beasts which our form of the law gives, *v.* 4, but otherwise is more elaborate and detailed. Probably neither is derived from the other, but both are developments from a common origin. Further the LXX version of our law varies from the Heb. Altogether then we have here another instance of the currency of various editions of the same law, tending to grow in different ways.

14 Ye are the children of the LORD your God: ye shall not cut yourselves, nor make any baldness between your eyes

1 f. AGAINST CERTAIN RITES FOR THE DEAD.

No parallel in JE; but one in H, Lev. xix. 28 *a*.

1. **Sons are ye to Jehovah** *your God*] The order of the EVV. misses the emphasis. Note not merely the change to the Pl. address but its cause, the conception of individual Israelites as the sons of Jehovah: not elsewhere in D. In the discourses in D Israel, the nation, is as the son of Jehovah, i. 31, viii. 5 and so more definitely in J. Ex. iv. 22 f., Hosea xi. 1, and Jeremiah xxxi. 20. The transition from this conception to the statement of Jehovah's fatherhood of Israelites as individuals was natural; the two conceptions occur together in the Song xxxii. 5, 6 and in Hosea and Jeremiah. The latter is already found in the 8th century, Ho. i. 10, Isai. i. 2. But as we advance through the prophecies of Jeremiah and Ezekiel, with their strong individualism, to the exilic and post-exilic writings we find a great increase of references to Israelites as the sons of Jehovah, Jer. iii. 14, 19, 22, iv. 22, Ezek. (ii. 4?), xx. 21, 'Isai.' lxiii. 8, 16. lxiv. 8 (cp. lvii. 4), Mal. ii. 10, Deut. xxxii. 5, Pss. lxxiii. 15, lxxxii. 6. This is contemporary with the breaking up of the Jewish state and the destruction of the national worship. While then it is clear that one cannot take *sons of Jehovah* in this law as by itself proof of an exilic or post-exilic date, we can say that if it does not add to, it at least agrees with, the evidence in that direction adduced in the note below.

Many ancient nations believed in their descent from gods or demi-gods; and among them the Semitic peoples, e.g. the Moabites are called sons and daughters of Kemosh, Num. xxi. 29. But the relation was conceived physically. In the O.T. God's fatherhood and Israel's sonship are historical and ethical, based not on physical generation, but on an act of love on God's part, on His choice or adoption (cp. Rom. ix. 4) of the people, and on His deliverance of them from Egypt; and it is carried out by His providence of love and moral chastisement (see the references above and cp. Amos iii.), which is nowhere more tenderly described than in this Book. But when all the O.T. references to God as the Father whether of Israel or Israelites and to them as His children have been reckoned up, how few are they in comparison to the number of times that *sons*, and *children*, of God occur in the N.T. *God hath sent forth the Spirit of His Son into our hearts crying Abba Father* (Gal. iv. 6); *joint heirs with Christ* (Rom. viii. 17).

ye shall not cut or **gash** *yourselves*] So of the priests of Ba'al (1 Kgs xviii. 28) and in Ar. one form of the vb. is used of mutilations of animals, Lev. xix. 28: *you shall put no incision on your flesh* (cp. xxi. 5) nor *any tattooing upon you.*

nor **set a** *baldness between your eyes*] Lev. xxi. 5: *not make a baldness on their head neither shave off the corner of their beard.*

for the dead. For thou art an holy people unto the LORD 2
thy God, and the LORD hath chosen thee to be a peculiar
people unto himself, [1]above all peoples that are upon the
face of the earth.

[1] Or, *out of*

for the dead] That these customs were not practised merely from excess of grief, nor only as testifying to the continuance of the mourner's blood-covenant with the dead, but also in acknowledgement of the divinity of the latter and as the mourners' consecration to them, is implied in the reason given in *v.* 2 for Israel's abstention from such things. Jehovah's people are *holy* and sacred to Himself alone. Hence, too, the inclusion of this law among those against the worship of strange gods. Moreover Jer. xvi. 7 describes a communion feast as part of the same rites. May not also the choice of the expression *sons are ye to Jehovah* be due to this cause, as if such rites implied an ancestor worship? For the worship of their ancestors by Arab tribes who bring offerings and sacrifice at their graves see Musil, *Ethn. Ber.* 329.

For the prevalence, among many ancient nations, particularly the Semitic, as well as among modern peoples, of these customs of gashing the flesh and shaving part of the hair or beard, apparently always with a religious implication, see W. R. Smith, *Rel. Sem.* 302 ff. Gashing, both of face and body called 'Tashrit' (cp. Heb.) was explained to Burton in Mekka as a sign 'that the scarred was the servant of Allah's House.' (*Pilgrimage*, etc. II. 234.) Mohammed expressly forbad the practice. The O T. confirms it for Moab ('Isai' xv. 2) and the Philistines (Jer. xlvii. 5), and states that both customs were practised in Israel not only as usual and natural in mourning (equally so with the wearing of sackcloth), but as even sanctioned by Israel's God (Am. viii. 10; Is. xxii. 12): *he calls to weeping...and baldness*; Jer. xvi. 6: as His punishment of an evil generation, the usual rites of mourning for its dead, including *gashing* and *baldness*, shall not be observed; xli. 5: men come from Shechem to the house of Jehovah with shaven heads and having gashed themselves; Ezek. vii. 18. Note, too, the absence from the earlier legislation of a law against these practices. The law first appears here and in H, Lev. xix. 28, xxi. 25.

Unknown to Jeremiah, Ezekiel, and to those Shechem Jews who, in obedience to the central law of D, brought their offerings to the Temple, this law cannot have formed part of the original code of D; but is an exilic or post-exilic addition.

2. *For thou art an holy people*, etc.] Almost exactly as vii. 6 (*q.v.*). Note also the Sg. address in contrast to the Pl. of the context. This *v.* is, therefore, probably an addition by the hand which inserted these later laws in the code of D.

3—20. OF CLEAN AND UNCLEAN BEASTS, FISHES AND BIRDS.

Paralleled with elaborations in H, Lev. xi. 2—23 (see introductory note above p. 183; and cp. the comparative table in Driver's *Deut.* 157 ff.; the chief similarities and differences are noted in the notes below), and very summarily also in Lev. xx. 25, H: *ye shall separate between clean beast and unclean, and between unclean fowl and clean*

3 Thou shalt not eat any abominable thing. These are the
4 beasts which ye shall eat: the ox, the sheep, and the goat,
5 the hart, and the gazelle, and the roebuck, and the wild

and shall not render your souls detestable (cp. vii. 26, xi. 31, xii. 11) *by beast or fowl or anything wherewith the ground creepeth which I have separated from you as unclean.*—In JE there is no parallel.—The references below to Tristram are to his *Fauna and Flora of Western Palestine* in the *PEF Survey of W. Pal.*; those to Doughty are to his *Arabia Deserta*.

3. *Thou shalt not eat any abominable thing*] The same noun as *abomination*, vii. 25, *q.v.*; a term characteristic of D. The clause being also in the Sg. in a Pl. context (to which Sam., LXX have harmonised it) may be either the original law of D on this subject—cp. *every abomination*, xii. 31—or, like *v.* 2, an addition by the deuteronomic editor.

4. *These are the beasts which ye shall eat*] Lev. xi. 2—23 has no list of clean beasts such as here follows.

ox, sheep, goat] For the sacramental nature of the slaying and eating of domestic animals see on xii. 20—28. In ancient times the enjoyment of flesh by ordinary people was rare; that of the domestic animals was limited to special occasions such as the arrival of a guest, or a family festival, but kings and the rich ate it every day, and successful raids were celebrated by feasting upon the animal spoil (e.g. Judg. vi. 19, 1 Sam. xiv. 32, xvi. 20, xxv. 18, xxviii. 24, 2 Sam. xii. 4, 1 Kgs iv. 23, Am. vi. 4). The flesh was, as still in Syria and Arabia, usually of sheep and goats; Arabs regard the former as the more honourable for a guest. Bullocks and calves were slain much more seldom, except in great houses. So it is still with the fellaḥin; while in Arabia, where pasture is scarce and the oxen are for the most part meagre and stunted, ox flesh is very rarely eaten; and its place is taken by that of the camel (see below). Ancient Arab physicians held beef to be poisonous; in parts of S. Arabia it was eaten only by the very poor; to set it even before a servant was regarded as an insult (Georg Jacob, *Altarabisches Beduinenleben*, 94).

5. Seven varieties of game; LXX B gives only five: hart, gazelle, roebuck, wild-ox and giraffe (?); codd. AF, etc. add after *gazelle*, buffalo and tragelaphos. It may not be unnecessary to remark that neither to the nomads nor to the fellaḥîn is hunting sport; it is, especially to the former, a hard and hungry search for food. 'The nomad is not a hunter' (Doughty, I. 157). The hunters of Arabia are the Sleyb, wandering gypsies without cattle and camels: according to Burckhardt (p. 12) they live on dried gazelle-flesh. Besides the varieties of game given here as edible, the ancient Arabs relished also the flesh of the wild-ass (Georg Jacob, *op. cit.* 115).

hart and gazelle] *'Ayyal, ṣ'bi*: see on xii. 22; cp. xii. 15, xv. 22; hart probably *fallow deer, cervus dama*; gazelle, *gazella dorcas*.

goat, and the pygarg, and the antelope, and the chamois. And every beast that parteth the hoof, and hath the hoof 6
cloven in two, *and* [1]cheweth the cud, among the beasts, that
ye shall eat. Nevertheless these ye shall not eat of them 7

[1] Heb. *bringeth up.*

roebuck] *Yaḥmûr* also 1 Kgs iv. 23 (v. 3) A.V. fallow-deer. Yakhmûr is the name still given to a deer found on Mt Carmel (Conder, *Tent Work*, I. 173) and identified as the roebuck, *cervus capreolus*; called in Gilead khamûr (Post, *PEFQ*, 1890, 171 f.; Conder, *id.* 173); also seen on Lebanon (Tr. 4). Found throughout Europe it does not range farther S. than Palestine. As *roebuck* is the name of the male, *roedeer* is perhaps the better rendering.

wild goat] *'Akko* only here, LXX AF *τραγέλαφος*, Targ. *ya'al*, ibex such as about Engedi, 1 Sam. xxiv. 2. With *'akko* as if for *'anko* cp. Ar. *'anak* (=long-necked) goat.

pygarg] As LXX *πύγαργος* 'white-rump.' The Heb. *dîshon* (as if from Heb. *dash=tread, leap*) is rather **antelope**: the large white addax (Tr. 5).

antelope] *t'o* only here and 'Isai.' li. 20, LXX *ὄρυξ*, A.V. *wild-ox*. Tristram (p. 5) takes the name as generic and suggests that it covers both the *antilope bubalis*, which, he says, is called 'wild-cow' in Moab and Gilead, and a leucoryx 'the Oryx or white antelope,' to which the Arabs of Arabia give the name of 'wild-ox' (G. Jacob, *op. cit.* 117, citing from Ar. poets descriptions of it as shining like a white-washed house or as if with a white tunic); Post (Hastings' *D.B.* 'Ox') proposes the *oryx beatrix*; Doughty (I. 328) takes the wothŷhî of central Arabia, 'an antelope beatrix,' to be the O.T. *re'em* or *wild-ox*. R.V. *antelope* and A.V. *wild-ox* are thus probably both correct, the former giving the genus of the animal the latter its popular name among the Hebrews and the Arabs. With regard to the Heb. name *t'o* or *thr'o* I notice that Lane gives the Ar. *shâ'* (*h* and the soft *th* correspond) as applied to the wild-bull or wild-cow.

chamois] Certainly not this! This animal is European and is not found so far S. as Palestine. Heb. *zemer*, Targ. *dîya*, *wild-goat*. In the Mts of Yemen the wild maned sheep, *ovis tragelaphus*, was anciently numerous (G. Jacob, p. 21). Probably **mountain-goat** or **-sheep**.

Thus the names in this verse are all general and popular; each may have covered more than one species found in Syria or Arabia: to identify it with any one species is foolish.

6. There might also be eaten any beast with both of these marks:—

that parteth the hoof, and hath the hoof cloven in two] Lit. *and cleaveth a cleft of two hoofs*. The hoof must be *entirely* cloven (see below on *camel*);

and *cheweth the cud*] Heb. *bringeth up the gerah*, Ar. *girrah*, so called from either the straining or the gurgling of the process.

7. *Nevertheless*] Not *rak* with which qualifications to laws are

that chew the cud, or of them that have the hoof cloven: the camel, and the hare, and the coney, because they chew the cud but part not the hoof, they are unclean unto you:
8 and the swine, because he parteth the hoof but cheweth not the cud, he is unclean unto you: of their flesh ye shall not eat, and their carcases ye shall not touch.

introduced by D (see on x. 15, xii. 15 f.) but *'ak*, xvi. 5, xviii. 20, cp. xii. 22.

camel, hare, **rock-badger**] In Lev. xi. 4—6 taken separately and each with a repetition of the formula *because it cheweth the cud but parteth not the hoof. The camel* chews the cud but its hoof is only partly cloven (see on *v.* 6): sacrificed and eaten by Nabateans and ancient Arabs (Wellhausen, *Reste Arab. Heid.* 112, W. R. Smith, *Rel. Sem.* 201, 263, 320) though forbidden to Christian Arabs because of its use in heathen rites (*id.* 265), the camel is still eaten in Arabia (Burton, *Pilgr. to Med. and Mecca*, II. 217, Doughty, II. 209, 345, Musil, *Edom*, I. 247, *Ethn. Ber.* 71, 150, 423, 453 f.); taking the place of the ox of the settled Semites (see on *v.* 4).—*The hare*, *'arnebeth*, Ar. *'arnab*, does not chew the cud and its feet are neither hoofed nor cleft; there are several species in and round Syria (Tr. 8 f., who singles out the *lepus syriacus*), and the beast is common in Arabia, where it is eaten (Doughty, I. 70, 567, II. 238); hare's bone, foot and head were used as amulets (W. R. Smith, *Rel. Sem.* 362, G. Jacob, *op. cit.* 20). —*The rock-badger*, *shaphan*, Ar. *wabr* and *tubsun*; *procavia* (*hyrax*) *syriaca* (Tristram, 1) does not chew the cud. It seems, however, to the observer to chew the cud: 'both the jerboa and the wabr ruminate, say the hunters, because they are often shot with the cud in their mouth' (Doughty, II. 238). It is eaten by all the nomads (*id.* I. 127): 'about the size of a small rabbit and has a superficial resemblance to that rodent....The zoological position of the order is obscure, there are 14 species' (Shipley, *E.B.* 'Coney,' which see for further information). A.V. and R.V. *coney*, Old Eng. for rabbit. Driver (*Deut.*[3] p. xxii) suggests the translation *rock-rabbit*, a name given to an allied species of the Hyrax (*H. Capensis*) about the Cape of Good Hope.

8. *swine*] *ḥăzîr*, Ar. *khanzir*; from the animal's indiscriminate feeding the flesh is liable to become the host of many parasites and therefore without care dangerous especially in warm climates. Used in heathen sacrifices, 'Isai.' lxv. 4 f., 17. Nomad Arabs eat the wild boar: 'only the fellaḥîn say that they do not eat the wild-boar; their neighbours, however, assert the contrary of them' (Musil, *Ethn. Ber.* 151). On the sacredness of the pig among other peoples and the use of it in making charms and amulets see W. R. Smith, *Rel. Sem.* 272, 429. LXX has here a fuller text as in Lev. xi. 7. Note that no mention is made of the wilder beasts of prey: lion, panther, bear, wolf, hyaena or jackal. On the use of the hyaena, etc. by the present fellaḥîn see *PEFQ*, 1905, 120. Wolf-flesh is regarded as medicinal in Arabia (Doughty, I. 337).

These ye shall eat of all that are in the waters: whatso- 9
ever hath fins and scales shall ye eat: and whatsoever hath 10
not fins and scales ye shall not eat; it is unclean unto you.
Of all clean birds ye may eat. But these are they of 11 12
which ye shall not eat: the eagle, and the gier eagle, and
the ospray: and the glede, and the falcon, and the kite 13

9, 10. On clean and unclean Fishes; Lev. xi. 9—12 substantially the same but more elaborate. On the numerous fishes of Palestine see Tristram, 162 ff. No species are here enumerated, nor in the rest of the O.T.; but, chiefly under foreign influence, specific names appear in the Talmud and Mishna. On their use as food see Kennedy in *E.B.* and the present writer's *Jerusalem*, i. 317 f. The rule given here, that only those with *fins* (points) or *scales* are clean practically rules out eels[1], lampreys and others, with of course all shellfish, some of which are wholesome fare. In inquiring for a reason for their exclusion, their likeness in shape to serpents must be kept in view; on the sacredness of fish (including eels) to certain Semitic deities see W. R. Smith, *Rel. Sem.* 157 ff. In Arabia the practice varies. Fish are eaten in Madaba and Kerak and on the coasts of the peninsula; but inland Arabs though eating lizards and locusts appear to abhor fish: 'the most have never seen them and do not desire them' (Musil, *Ethn. Ber.* 21). The true Bedawee despises the fish-eater (Georg Jacob, *op. cit.* 25). Cp. Baldensperger, *PEFQ*, 1905, 119.

11—20. Of Birds, cp. Lev. xi. 13—19; only the unclean are named; of clean birds we know of the dove, quail, partridge and *barbur*.

12. *eagle*] *nesher*, Ar. *nisr*, **the great vulture** or griffon, *gyps fulvus*, identified by the baldness of its head and neck, Mic. i. 16; from its frequency and its size 'the most striking ornithological feature of Palestine' (Tr. 95 f.); worshipped among Syrians and Arabs.

gier eagle] *peres*, *the breaker*, A.V. *the ossifrage*, the Lämmergeier or bearded vulture. It carries its prey to a great height and then drops it, repeating the operation till the prey is shattered (Tr. 94), LXX, γρύψ.

ospray] *'oznîyyah*; LXX, ἁλιάετος (the sea-eagle or osprey). Tristram (98) takes it either as generic for all the eagles, or specific either for the golden eagle, 'not uncommon in winter over the whole country' but in summer only on Lebanon and Hermon, or (107) the osprey, which would be likely from its fish-eating habits to have a special name. Read **eagle**. In Arabia the small swart-brown eagle of the desert is called *'agab* (spelt *'aḳab*), 'flying in the air they resemble sea-mews' (Doughty, i. 328, ii. 218).

13. *glede*, *falcon*, *kite*] *ra'ah*, *'ayyah*, *dayyah*, of which the first is probably a clerical error for *da'ah* (from *da'ah*, *to dart*, of the eagle, xxviii. 49), *darter* or *swooper*, and the third a later variant of the same, being a gloss on the first (the LXX has only two names in the *v.*).

[1] Eels have indeed numerous small scales.

14 after its kind; and every raven after its kind; and the
15 ostrich, and the night hawk, and the seamew, and the hawk
16 after its kind; the little owl, and the great owl, and the
17 horned owl; and the pelican, and the vulture, and the

Tristram (102, 98) suggests both the *milvus migrans*, the black kite, and the *buteo vulgaris*, the common buzzard: Ar. *'akab* is applied to all smaller eagles and buzzards. The *'ayyah* (from its cry; cp. Ar. *yuyu*), Tristram (102) takes as *milvus ictinus*, the kite or red kite, 'perhaps the keenest-sighted of all the birds of prey,' cp. Job xxviii. 7. Read **black and red kite** or **buzzard and kite.** LXX, *γύψ* and *ἱκτινος*.

after its kind] A phrase characteristic of P.

14. *and every raven*, etc.] *'oreb* Ar. *ghorâb*, covering all the species of the *corvidae* in Palestine of which Tristram (74 ff.) distinguishes eight; a carrion feeder with the *'agab* and *rakham* (Doughty, II. 41, 218); that it was regarded by some tribes as sacred is seen from the use of its name as a personal name, Judg. vii. 25, and as a clan name among Arabs to-day. LXX B omits this clause; other codd. have it.

15. *ostrich*] *bath hay-ya'anah* either *daughter of greed* or *of the plain*; Arabs call it *father of the plains*; they eat the breast (Doughty, I. 132 f.). LXX, *στρουθός*.

night hawk] *tahmas* (*violence*; Ar. *salîm* also means both violence and ostrich). Some take it as the male ostrich. Tristram (90): the *barn-owl, strix flammea*. LXX, *γλάνξ*.

seamew] *shahaph*, LXX, *λάρος*, cormorant; *gull* (Post, Hastings' *D.B.*); *sterna fluviatilis*, **tern** (Tr. 135).

hawk] *nes*, LXX, *ἱέραξ*. Tristram (106): generic for all small hawks, such as sparrow-hawk (*accipiter nisus*, 106), kestrel, etc.

16. *little owl*] *kos*, LXX, *νυκτικόραξ* (?), both night-jar and screech-owl. Tristram (93): 'probably' the southern little owl, *Athene glaux*, 'one of the most universally distributed birds in the Holy Land.' It inhabits ruins, Ps. cii. 6 (7). Arabs call it 'mother of ruins.'

great owl] *yanshuph*, LXX, *εἶβις*. Tristram (93): eagle-owl, *bubo ascalaphus*, haunting ruins and caverns.

horned owl] *tinshemeth*, A.V. *swan*. Tristram: probably the glossy ibis. Owls are eaten by one tribe, at least, in Arabia, for which they are derided by other Arabs (Doughty, I. 305). The owl is one of the birds to which most often the Arabs attribute human qualities.

17. *pelican*] *ka'ath*, LXX, *πελεκάν*. Tristram (108) suggests the roseate pelican, *P. onocrotalus*.

vulture] *rahamah*, Ar. *rakhim*, 'a small white carrion eagle,' migratory, and haunting the abodes of men, one of the commonest carrion birds in Arabia, 'the white scavenger' (Doughty, *passim*; cp. Burton, *Pilgrimage*, etc., II. 62); according to Tristram (96) the *neophron percnopterus*; in Arabia their flesh is forbidden meat, yet mothers give it to their children to expel worms (Doughty, I. 393). The name appears to be derived from its affection to its young, which in xxxii. 11 is imputed also to the *nesher*. LXX, *κύκνος*, swan.

cormorant; and the stork, and the heron after its kind, and 18
the hoopoe, and the bat. And all winged creeping things 19
are unclean unto you: they shall not be eaten. Of all clean 20
fowls ye may eat.

Ye shall not eat of any thing that dieth of itself: thou 21
mayest give it unto the stranger that is within thy gates, that

cormorant] *shalak*, that *hurls* itself on the prey. LXX, καταράκτης. Tristram (107): *phalacrocorax carbo*.

18. *stork*] *hasidah*. Tristram (111): white stork, *ciconia alba*; an unclean feeder (on offal, etc.), its flesh is rank.

heron] *'anaphah*. Tristram (109): the common heron, *ardea cinerea*: an edible bird, in Europe once highly prized at table; but feeding on, besides fish, many unclean land animals, snakes, rats, etc.

hoopoe] *dukiphath*, A.V. *lapwing*. Tristram (89): *hoopoe, upupa epops*.

bat] *'atalleph* (cp. ἀττέλαβος, a kind of locust in N. Africa, Herod. iv. 172). In Palestine it haunts caverns and (as in Egypt) sepulchres. There is no doubt that the cheeping and muttering attributed to the dead (Is. vii.) was derived from the sound made by the crowds of this animal when disturbed in sepulchres.

19. *all winged creeping things are unclean*] Lit. *swarming things that fly*, all winged insects. To this Lev. xi. 21 f. adds *that go upon all fours* and excepts from the rule such as have jointed legs above their feet to leap on the earth, i.e. various kinds of leaping locusts, as distinguished from the running locust (see Shipley and Cook, art. 'Locust' in *E.B.*). They come under the clean insects of the next *v.*

20. *Of all clean* **winged things** *ye may eat*] R.V. *fowl* is misleading; the term winged covers both birds and flying insects and here probably refers only to the latter. Arabs and other eastern peoples eat locusts not only in time of famine; fried or made into cakes they are considered a delicacy (Burton, *Pilgrimage*, etc., II. 117; Doughty, I. 472, II. 245 f., 323; Musil, *Ethn. Ber.* 151).

Nothing is said of reptiles (frogs may be supposed to fall under the class of unclean fishes, *v.* 10). Lev. xi. 29 ff. counts as unclean, the weasel, mouse, lizards, chameleon and *v.* 41 serpents. Arabs eat lizards, 'very sweet meat,' though some abhor them as serpents (Doughty, I. 70, 326, II. 533: cp. for ancient Arabia, G. Jacob, 24, 95); and even one species of serpent is eaten (Musil, *Ethn. Ber.* 151). And mice are eaten both by some Arabs and in N. Syria (Tristram).

21. *Ye shall not eat of any thing which dieth of itself*] Lit. *any carcase*, anything found dead, without being slain by the finder. There is a possible case in Doughty, II. 129; but usually when an Arab sees his camel must die, in consequence of an accident, he slays it forthwith.

thou mayest give it unto the stranger] The *gēr* or foreigner settled in Israel (see on I. 16), distinct from the following *foreigner*, not settled, but trading, with Israel.

E, Ex. xxii. 30 (31) enjoins that flesh *torn of beasts* shall be given to

he may eat it; or thou mayest sell it unto a foreigner: for thou art an holy people unto the LORD thy God. Thou shalt not seethe a kid in its mother's milk.

dogs; but H, Lev. xvii. 15, enjoins that neither *that which dies of itself* nor what is *torn of beasts* shall be eaten either by Israelite or by *gêr*: obviously a later law, when the position of the *gêr* was more established in Israel and he was brought further into religious communion.

for thou art an holy people] As in *v.* 2.

See further on Unclean and Clean Foods, Appendix I.

Thou shalt not seethe a kid in its mother's milk] So E, Ex. xxiii. 19. and J, xxxiv. 26. The prohibition has a natural seemliness like those laws in H, Lev. xxii. 27 f., which forbid the sacrifice of a calf, lamb, or kid till it has been seven days under the dam, and the sacrifice of the dam and young together[1]. But there must be other motives behind the law. That it occurs among laws on ritual implies that the practice it vetoes had a sacramental meaning (as Calvin on Ex. xxxiii. 19 points out); that both in E and J it immediately follows the offering of first-fruits suggests that this meaning was connected with the security of the harvest or of the fertility of the soil: 'a superstitious usage of some of the Gentiles, who, 'tis said, at the end of their harvest seethed a kid in its dam's milk, and sprinkled that milk pottage in a magical way upon their gardens and fields to make them the more fruitful the next year[2].'

22—29. Of Tithes.

A tithe shall be taken of all the yearly produce of what is sown in the field, further defined as corn, wine and oil, and carried to the Sanctuary and eaten before God by the offerers along with the firstlings of oxen and sheep (22 f.); but Israelites who dwell too far from the Sanctuary for this may turn their tithes into money, purchase at the Temple whatever they desire, and feast before God along with their households and Levites (24—27). Every third year, however, they are to retain all the tithe within their gates for the Levites and other landless poor to consume (28 f.).—In the Sg. address throughout, like the

[1] Some have even supposed that it was meant to exclude kids from use as food till they were weaned, which is neither 'agreeable to reason' (Calvin) nor to H's law quoted above.

[2] M. Henry on Ex. xxiii. 19. He may have got this from Maimonides through Bochart, or through Spencer whose *Leges Hebraeorum* was published some years before his own commentary. W. R. Smith (*Rel. Sem.* 204 *n.*) suggests that as certain primitive peoples appear to regard milk as equivalent to blood, the seething of a kid in its mother's milk would involve the partakers of the flesh in the guilt of 'eating with the blood.' Calvin had made the same suggestion with a more apposite emphasis: 'God would not admit a monstrous thing in His sacrifice, that a kid's flesh should be cooked in its dam's milk, and thus, as it were, in *its own* blood.'—From its wording this law cannot mean the prohibition of *any* milk in sacrifice (to-day in Arabia sheep and goats are said to taste better when boiled in milk, Musil, *Ethn. Ber.* 149, and are frequently so cooked), yet it is significant that milk nowhere appears among the festal offerings of Israel, probably because of its ready fermentation (W. R. Smith).

Thou shalt surely tithe all the increase of thy seed, that 22
which cometh forth of the field year by year. And thou 23
shalt eat before the LORD thy God, in the place which he
shall choose to cause his name to dwell there, the tithe of
thy corn, of thy wine, and of thine oil, and the firstlings of

third form of the law of the Single Sanctuary, xii. 13 ff., with which also it has in common some phrases and ideas not found in the Pl. form of that law:—the definition of the tithe, *corn, wine and oil*; *thou shalt not forsake the Levite* (unless this be an addition, see on *v.* 27); the wide permission to eat *whatsoever thy soul desireth = after all the desire of thy soul*, xii. 20 f.; another qualification of the law, in order to meet the needs of those at a distance, with the identical phrase *because the place is too far from thee which* etc., xii. 21 (Steuernagel's statement that the phrases *eat before Jehovah, eat and be satisfied*, etc., are also peculiar to the Sg. is very doubtful).

There is no law of tithes (so-called) in E or J; those in P, Nu. xviii. 21—32 (with the corresponding practice, Neh. x. 37 f.) and Lev. xxvii. 30 f., fundamentally differ from D's law of tithes. On this and the questions it raises and their solution in the later law of Israel, see Additional Note below.

22. *Thou shalt surely tithe*] Heb. *tithing thou shalt tithe*: an idiom emphasising the bare fact.

increase] Lit. *income* (or *in-brought*), *revenue*, all the produce.

of thy seed] Not of cereals alone, but inclusive of plantations as the next clause and *the oil and wine* of *v.* 23 show. Dillm. cites Isai. xvii. 10 f.; Jer. ii. 21; Ezek. xvii. 5.

field] *sadeh*, here in its latest sense of cultivated ground; see on vii. 22, xi. 15, etc.

23. *eat before the LORD*] See on xii. 7.

the place which he shall choose] Sam., LXX, *which Jehovah thy God shall choose*; see on xii. 5. Before this the tithe was offered at the local sanctuaries, Am. iv. 4.

corn, wine, and oil] Defining *that which cometh forth from the field.* A purely vegetable tithe: so always in D as in Nu. xviii. 27, 30, *corn of threshing floor, fulness of winepress* or *vat* (cp. D, xv. 14, xvi. 13), Neh. x. 35—37 (36—38), *tithe of the ground* (cp. Lev. xxvii. 30, *whether of the seed of the land or fruit of tree*). To this an animal tithe is added by Lev. xxvii. 32 and 2 Chron. xxxi. 6. *Corn* stands for all cereals; it is singular that nowhere is the fig, the third of the great triad of Israel's fruit trees, mentioned along with wine and oil.

and the firstlings, etc.] The law of firstlings is xv. 19 ff.; here they are mentioned only incidentally, perhaps because the tithes were to be presented at the same time with them. There is no reference here to an animal tithe. 'Mere firstlings, set apart from the yearly increase of the herds, distinct from the firstborn and offered as a substitute for the animal tithe, are not to be thought of' (Dillm.).

thy herd and of thy flock; that thou mayest learn to fear
24 the LORD thy God always. And if the way be too long for
thee, so that thou art not able to carry it, because the place
is too far from thee, which the LORD thy God shall choose
to set his name there, when the LORD thy God shall bless
25 thee: then shalt thou turn it into money, and bind up the
money in thine hand, and shalt go unto the place which the
26 LORD thy God shall choose: and thou shalt bestow the

that thou mayest learn to fear] Such regular offerings mean the practice of the fear of God, for by them the offerers acknowledge that to God and not to their own labour the blessings of their fields are due. The same intention is attributed to making the people hear God's word, iv. 10 (*q.v.*), and to the injunction to the king to read always in the law, xvii. 19.

24 f. Another practical consequence of the centralisation of the worship, like that which permits the profane slaughter and enjoyment of animals, xii. 21 ff.

if the way be too long for thee, etc.] Cp. xii. 21: *if the place...be too far from thee*, xix. 6.

when the LORD thy God shall bless thee] Means neither with a great extension of thy land (Knobel) nor with so rich a harvest that thou art unable to carry the tithe of it so far (Dillm.), but, more generally, with thy yearly harvests. Was there, then, no tithe when the harvest failed?

shalt thou turn it into money] Heb. may mean either *give it in*, or *in exchange for, money*. The Heb. *keseph* often = *silver*, usually supposed to have been called so from its paleness (W. R. Smith, *Journ. Phil.* XIV. 125); but the root is just as probably *to cut off*, or *cut in pieces* (*Jerusalem*, I. 329), and *keseph* is therefore applicable, and is applied, to other metals. In any case *money* is the right translation here. Coins proper were not in use in Israel before the Persian period; but from a very early date there was a metallic currency, partly in silver (cp. 1 Sam. ix. 8, *quarter of a silver shekel*, 2 Sam. xiv. 26, shekels stamped by David) and partly in copper (which was current in Palestine by 1400 B.C., Tell-el-Amarna Letters); of the latter the *gera* or 20th part of the shekel, Ezek. xlv. 12, was no doubt one form. On the currency in W. Asia see A. R. S. Kennedy in Hastings' *D.B.* art. 'Money.'

thou shalt bind up the money in thine hand] Heb. *confine*. As the Heb. for purse (Gen. xlii. 35; Prov. vii. 20) comes from another form of this root, we might use the Eng. denom. vb. *thou shalt purse it in thine hand*. Usually money was carried in the girdle, but this seems to imply a form of purse attached to the fingers or wrist.

26. *and thou shalt bestow the money*] It was this law, which with other customs led to the rise of markets for cattle and other commodities in the Temple Courts with the consequent abuses, fostered by

money for whatsoever thy soul desireth, for oxen, or for sheep, or for wine, or for strong drink, or for whatsoever thy soul asketh of thee: and thou shalt eat there before the LORD thy God, and thou shalt rejoice, thou and thine household: and the Levite that is within thy gates, thou 27 shalt not forsake him; for he hath no portion nor inheritance with thee.

At the end of every three years thou shalt bring forth all 28 the tithe of thine increase in the same year, and shalt lay it

the priests for their own enrichment, which our Lord chastised. Cp. Jer. vi. 13, vii. 11, xxiii. 11.

for whatsoever thy soul desireth...asketh of thee] On the *soul* as seat of the appetite see xii. 20; on *desireth*, v. 21. The emphatic liberality of this provision is striking. Though the tithe is a vegetable one, flesh may be substituted for it: cp. *v.* 23 according to which it was to be eaten with the firstlings.

or for wine, or for strong drink] The attempt is sometimes made to argue that the juice of the vine when praised or prescribed in the O.T. is never an intoxicating liquor. That is clearly contradicted here; *strong drink* is a true transl. of the Heb. *shekar*, 'omne quod inebriare potest' (Jerome), which because of its effects is condemned in Is. v. 11, 22, xxviii. 7; Mic. ii. 11; 1 Sam. i. 15; Prov. xx. 1, and is forbidden to priests on duty, Lev. x. 9; cp. Prov. xxxi. 4, prescribed to invalids. The adj. from it *shikkor=drunkard*. In Israel there was the same difference of opinion as to its use which prevails among ourselves.

and thou shalt rejoice] See on xii. 7.

thou and thine household] As in xii. 7, 12, 18: the tithes or their equivalent are to be enjoyed, not as in P by the Temple Levites and Priests but by the offerers and their families including—

27. *the Levite within thy gates*] The rural minister, dispossessed of his allowances by the removal of the tithe from the local sanctuaries.

thou shalt not forsake him] Not in LXX: which adds stranger, orphan, and widow, and other formulas—an instance of how readily these were added by various editors.

28. *At the end of every three years*] xxvi. 12: *when thou hast finished tithing all the tithe of thine income in the third year, which is the year of tithing.* See below.

thou shalt bring forth] That is for public or profane use as opposed to the *bringing in* of offerings designed for use in the sanctuary: cp. xvii. 5, xxi. 19, xxii. 15, 21, 24.

all the tithe] *All*, not prefixed to *tithe* in *v.* 22, has been variously interpreted either as meaning that the whole tithe was not exacted for the sanctuary in the first and second years but only a nominal tithe (as under Moslem law the tithe was sometimes only $\frac{1}{20}$th or even $\frac{1}{40}$th

29 up within thy gates: and the Levite, because he hath no portion nor inheritance with thee, and the stranger, and the fatherless, and the widow, which are within thy gates, shall come, and shall eat and be satisfied; that the LORD thy God may bless thee in all the work of thine hand which thou doest.

of the crop), and was to be fully exacted only in each third year for charitable purposes; or else that in the third year no tithe was taken to the Temple but *all* the tithe was given to the local poor (Oettli, Berth. and others). The latter seems the more likely. Steuernagel thinks that every third year there were two tithes exacted, that for the poor being in addition to that taken every year to the Sanctuary. But in that case the law would not have described the third year tithe for the poor as *all the tithe*.

and shalt lay it up within thy gates] Rather, **let it remain** or (lit.) *rest* there; either in distinction to the tithes of the other two years, which are carried from home to the Sanctuary; or else because instead of being consumed at once like those tithes it is to be *stored* for the continual sustenance of—

29. *the Levite*] because he is landless and through the abolition of the local shrines has been deprived of his means of subsistence, and of—

the stranger, the fatherless, and the widow] for they also are landless. D frequently emphasises the duty of caring for them, xvi. 11, 14, xxiv. 17, 19 ff., xxvi. 12 f.

shall eat and be satisfied] Here the words *before Jehovah* and *rejoice*, used in connection with the eating of tithes at the Sanctuary, are omitted; for this is not like that, a festal celebration. On the contrary the third year tithe is designed for the common daily sustenance of those poor persons. This secularisation of the tithe (as it would be called to-day) is interesting; see Additional Note.

that the LORD thy God may bless thee] xxvi. 15. Such devotion of the tithe to the poor is a condition of the increase of the crop from which it is made.

Additional Note on Tithes.

According to 1 Sam. viii. 15, 17, a king if granted to Israel would be expected—in conformity with the practice of several ancient monarchies—to exact a tithe of his subjects' cereal crops, vines, olives, herds and flocks. No religious offering under the name of tithe appears in the earlier legislation, the Holiness Code (Lev. xvii.—xxvi.), or Ezekiel. Yet all these require an offering of the firstfruits of the soil:—E, Ex. xxii. 29 (28), *thou shalt not delay thy fulness nor thy trickling* (see Driver's note), LXX *firstfruits of thy threshing-floor and wine-press*, like D's law of tithes associated with firstlings, *v.* 30 (29); H, Lev. xxiii. 11 demands merely a sheaf of the firstfruits (*reshîth*) of harvest; Ezek. xx. 40, *I will require your contributions* (*terumôth*) *and the firstfruits* (*reshîth*) *of your oblations*. In the 8th century *tithes* were offered on the 3rd day of the feast at the royal sanctuary at Bethel (Am. iv. 4;

see Wellh.'s note); and E, Gen. xxviii. 22 ascribes to Jacob at the same sanctuary the promise to God to *tithe* all He would give him.

From these data several inferences have been drawn:—(1) that the *tithes* of D and the later legislation (see below) were the same as the first-fruits (*reshith* and *bikkurim*) of the earlier (Nowack, *Hebr. Arch.* II. 257 ff.), cp. the synonymousness of ἀπαρχαί and δεκάται, Dion Halic. I. 23 f. and Philo's ἀπαρχῆς ἀπαρχή for the priests' *tithe* of the Levites' *tithe* in P (*De Mut. Nom.* 1607, Mangey); (2) that the same offering was called *firstfruits* at some sanctuaries, *tithes* at others (Now., G. F. Moore, *E.B.* art. 'Tithes' § 1); (3) that *tithes* is the later name (W. R. Smith, *Rel. Sem.* 226 ff.); (4) that the use of this name at Bethel, a royal sanctuary, was due to the appropriation of the king's tithe to the support of the shrine, the result of Phoenician influence in N. Israel, for the earliest reference to a religious tithe is Phoenician (*ibid.*); (5) that these *tithes* were the material of a feast for not only the offerers but all the worshippers, including the poor, whose rights to them were sometimes cruelly absorbed by the rich (*ibid.*). What is sure is that from the time of their settlement Israel shared the belief of many primitive peoples (Frazer, *Golden Bough*², II. 459) that they might not enjoy their harvests till they offered the Deity some of the firstfruits. This was done at the local sanctuaries and became the occasion of a joyful feast, in which the officiating priest, the poor and all who had *gêr*, or guest, rights at the sanctuary would share. At some places these offerings were called *tithes*, either because it was found to be necessary to fix their proportion to the whole harvest, or because the royal *tithe* was actually appropriated to the support of the sanctuary and the solemn entertainment of the worshipping guests.

The tithe-laws of D imply that some such custom prevailed at the rural sanctuaries; but like many others it had to be adapted to D's law of One Sanctuary. This was done by dividing the tithe between religious and charitable uses. Two years out of three the Israelite farmer must take the *tithe*, either in kind or in money, to the one sanctuary and (that he might learn to fear God) eat it there before God, with his household and the Levite, who by the abolition of his shrine had lost his opportunity of eating before God. But this deprived both the latter and the other landless poor of their rights in what had included benefactions for them all. Therefore every third year (see on 28 f.) *all* the tithe was to be stored and reserved for their sustenance, without any religious rites, either in the offering of it (except the prayer xxvi. 12 ff.), or in their enjoyment of it (note the omission in 28 f. of *eating before Jehovah*). Some think indeed that this third year tithe is the oldest element in D's law and in fact had been the only real tithe (cp. the expression *the year of tithing*, xxvi. 12). But all that is older in it is the right of the Levite and the poor and the *gêrim* to a share of the annual tithes offered at the local sanctuaries. When these were disestablished and the purely religious interests involved in the tithe could only be satisfied at the One Sanctuary, D compensated the rural Levites and the poor by granting them the whole of the third year's tithe.

In P the tithe-law, Num. xviii. 21—32, is very different. *All the tithe in Israel, the tithe of the children of Israel which they offer as a contribution to Jehovah* is given as an *inheritance* to the landless Levites, for *the service which they serve, even the service of the tent of the meeting*, the central sanctuary, and they in turn are to give a tithe of this tithe to Aaron the priest. And this was that part of *the law of God given by Moses* and sworn to by the people under Nehemiah, according to which they were to bring in the tithes of their ground to the Levites—*the Levites take the tithes in all the townships of our tillage*—and the Levites were to bring the tithe of their tithe to the house of God (Neh. x. 37 f.). These injunctions are irreconcileable with those of D. The tithe, which in D is enjoyed by the offerers, by the Levites of the rural sanctuaries, and by the poor and the *gêrim*, is in P the *inheritance* of the Levites at the central sanctuary. D and P represent not only differing practices, but incompatible principles of practice. Which is the earlier of the two? It is of course possible to argue that the original disposition of the tithe was purely religious or ecclesiastical and that D represents a later and more liberal spirit, which extended the enjoyment of it to the laity. But the converse is far more probable in view of that steady increase of all the priests' establishments and revenues—with the consequent encroachments on the rights of the people—which is so fully illustrated in the historical Books. For an interesting and suggestive discussion of the problems arising from this subject see 'The Deuteronomic Tithe' by Prof. J. M. Powis Smith in *The Amer. Journ. of Theology*, January, 1914.

CH. XV. **1—11.** THE YEAR OF REMISSION: (1) OF DEBTS.

Every seventh year Israel shall make Remission or Release (1). Creditors shall cancel their loans to fellow-Israelites—it is the Lord's Remission—but not those to foreigners (2 f.). But there shall be no need for this law if Israel keep God's commandments, for then (under His blessing) there shall be no poor; and Israel shall lend to and not borrow from other peoples (4—6). Israel must not allow the approach of the year of Remission to operate as a motive for refusing loans to the poor, who shall never cease out of the land (7—11).—In the Sg. address throughout. The law proper (*v.* 3, see note) apparently cites an earlier law; *vv.* 4—6 are by some (e.g. Steuern., Berth.) regarded as being, or containing, editorial additions, partly because *v.* 4, *there shall be no poor*, contradicts *v.* 11, *the poor shall never cease out of the land*. But (apart altogether from the Oriental love of paradox) the two statements might naturally be made by the same writer, loyal on the one side to D's governing ideal that Israel's obedience will ensure their prosperity, and on the other to D's intense philanthropy as applied to the actual needs of the present. Both in the analysis of the text of Deut. and (as we shall immediately see) in its interpretation we must keep in mind that the legislation is governed at once by religious ideals more or less impracticable and by an equally religious passion to provide in a practical way for the immediate interests of the people, especially the poor and friendless. There is therefore no cause to doubt the unity of the passage; except that the parenthesis in *v.* 4*b* may be a later expansion, as it is superfluous before *v.* 6.

The other codes contain no exact counterpart to this law of D. But E, Ex. xxiii. 10 f., commands that every seventh year the ground shall lie fallow—*thou shalt remit* or *release it*—and so too the vineyards and oliveyards—*that the poor of thy people may eat*; and H, Lev. xxv. 1—7, enjoins that in the seventh year the land shall not be sown nor the fruit-trees pruned, it shall be a year of *Sabbath* or *solemn rest*. The law, of which these are successive editions, was apparently based on the original rights of the whole community to the land (cp. for other nations Sir Henry Maine's *Village Communities East and West*, 77 ff., 107 ff.; Fenton, *Early Heb. Life*, 24 ff., 29 ff., 64 ff.). The connections between this law and D's remission of debt are obscure. Is D's law meant as an addition to E's, or as a substitute for it in different economic conditions? The latter alternative is unlikely; though D (*v.* 3) alone speaks of loans to foreigners, which implies commerce, his directions as to loans to Israelites are not practicable in a commercial community and imply as purely an agricultural one as E's law does; but D has no law for the land lying fallow. Dillmann holding that a complete cancelling of debts every seventh year was impracticable, argues that D takes E's law for granted and has framed his own to meet the consequences of E's. If the land lay fallow for the seventh year the poor cultivators could not repay loans made to them by their richer neighbours, and therefore the repayment was suspended

At the end of every seven years thou shalt make a release. 15

for that year only (cp. Driver, *Deut.* 177 f.). This is plausible; but there is much to contradict it. To begin with, it is very doubtful whether E's seventh year in which the ground was to lie fallow was to be the same year for the whole land[1]; whereas D's seventh year of remission was (as we see from *vv.* 4—6) the same everywhere and for everybody. Again, the verb from which the Heb. noun for Remission comes means not suspension but total remission (Jer. xvii. 4). Again, if the law had intended merely a suspension of the loan there would hardly have been need for the warning in *v.* 9, not to use the approach of the seventh year as a pretext for refusing a loan. This view is confirmed by the fact that the loans to which D's law refers were not business, but charitable loans, made for the relief of the poor, *v.* 6, and without any charge for interest, xxiii. 19 (20). It was no more impracticable to command their total remission in the seventh year, when after several harvests the debtor's inability to pay had been fully proved, than to command the initial granting of the loan itself. D's law was not for the regulation of commerce, but for the inculcation of liberality to poor neighbours. This line of argument also precludes the view held by some that D's law does not refer to the repayment of the principal of the loan, but commands only the suspension for one year of the interest. As we have seen this class of loans bore no interest. And indeed *vv.* 2 f. are explicit that it is the whole loan which is to be remitted: *whatsoever of thine is with thy brother.* Nehemiah (ch. v.) found among the returned exiles the practice of exacting both principal and interest from poor debtors, and he abolished these exactions. The later Jewish law clearly understood the remission to be that of the capital sum, and because this was impracticable in the case of commercial loans, provided legal means of evading it in the seventh year. (*Mishna*, 'Shebi'ith, x. 3—7; Schürer, *Hist. of the Jewish People*, E. T. II. i. 362 f.)

The above view, that the law intends a total remission of the loan, is held by Philo (*De Septenario*, § 8), *the Mishna* ('Shebi'ith, x. 1), Jewish lawyers, Matt. Henry, Gesenius, Wellh., Nowack, Benzinger, Steuern., Berth., H. W. Robinson; that a mere suspension of payment is intended is held by Knobel, Keil, Dillm., Riehm, Oehler, and von Orelli. Driver thinks it 'has all *a priori* considerations in its favour, but we are not perhaps sufficiently acquainted with the circumstances...to be able to feel perfectly confident that it is correct.' Again: 'while as a law regulating commercial loans generally it can have been a practicable one only upon the modern interpretation [i.e. mere suspension of repayment], it is possible that in its original intention its application was so limited by circumstances that the ancient interpretation [i.e. total remission] may be the correct one.' W. R. Smith, *E.B.*, art. 'Sabbatical Year,' gives the alternatives, either no interest is to be exacted, or no proceedings are to be taken against the debtor, in the 7th year.

1. *At the end of seven years*] So Heb. That is, in the seventh year, as is clearly put in *v.* 12 (cp. Jer. xxxiv. 14): see also xiv. 28.

a release] or *remission*, Heb. *shᵉmiṭṭah* from *shamaṭ*, to *let drop*

[1] In H it may be the same year for the whole land (Driver), but even this is not certain.

2 And this is the manner of the release: every creditor shall release that which he hath lent unto his neighbour; he shall not exact it of his neighbour and his brother; because the
3 LORD's release hath been proclaimed. Of a foreigner thou mayest exact it: but whatsoever of thine is with thy brother
4 thine hand shall [1]release. Howbeit there shall be no poor with thee; (for the LORD will surely bless thee in the land which the LORD thy God giveth thee for an inheritance to
5 possess it;) if only thou diligently hearken unto the voice of the LORD thy God, to observe to do all this commandment
6 which I command thee this day. For the LORD thy God will bless thee, as he promised thee: and thou shalt lend

[1] Or, *release: save when there &c.*

(2 Kgs ix. 33; *let her drop*) or *lapse*: Ex. xxiii. 11, *thou shalt let it* (the land or its crop) *lapse*, i.e. lie fallow; *v.* 3 of a debt.

2. *And this is the manner of the release*] Lit. *the word* or *law* (or as we might say *text*) *of*: cp. xix. 4 R.V. *this is the case of*. The following clause is a citation of an older law, as we see further from its phrasing.

every creditor] Lit. *every owner* (*ba'al* cp. Ex. xxii. 14) *of a loan of his hand*, of anything he has *lifted* or *made over* at his own hand.

neighbour] Heb. *rēă'*, very seldom used with the Sg. address for *fellow-Israelite*, and possibly always, as here, in quotations, xix. 4 f., xxiii. 24 f., xxiv. 10. The synonymous term, *brother*, is used by the writer of the Sg. about 25 times, and has probably been inserted by him in this citation (Steuern.).

the LORD's release] by His order, or for His sake.

hath been proclaimed] which shows that this year is the same for the whole nation.

3. *foreigner*] *nokrī* distinct not only from *neighbour-* or *brother-Israelite*, but also from *gēr* the foreign client or settler in Israel (xiv. 21).

4. *Howbeit there shall be no poor with thee*] Dillm. etc. transl.: *should be no poor*. But this is not a correct rendering of the Heb. which uses the positive form of the vb.; and it weakens the writer's confident emphasis on his ideal. He is stating not so much what *should be* as what *shall be, if only* (*rak*: see on x. 15) Israel obeys the law (*v.* 5). See introd. note above. The rest of *v.* 4 is a parenthesis, and probably a later expansion.

for the LORD will surely bless thee] Sam., LXX add *thy God*; cp. ii. 7, xxviii. 8.

giveth thee for an inheritance, etc.] See on iv. 21.

5. *to observe to do*] See on v. 1.

all this commandment, etc.] See on v. 31, viii. 1.

6. *will bless thee*] Heb. is stronger, *shall have blessed thee*.

unto many nations, but thou shalt not borrow; and thou shalt rule over many nations, but they shall not rule over thee.

If there be with thee a poor man, one of thy brethren, 7
within any of thy gates in thy land which the LORD thy God
giveth thee, thou shalt not harden thine heart, nor shut
thine hand from thy poor brother: but thou shalt surely 8
open thine hand unto him, and shalt surely lend him suffi-
cient for his need *in that* which he wanteth. Beware that 9
there be not a base thought in thine heart, saying, The

thou shalt lend unto many nations, but thou shalt not borrow] Heb. *shalt take, but shalt not give, pledges*; cp. 8, xxiv. 10—13. This promise of a large foreign commerce, repeated xxviii. 12 f. (with the contrast in 43 f.) is peculiar to D among the codes of Israel. It covers, of course, not only the lending of money and bullion (banking proper), but the sale of goods on credit at interest, to other nations. Such a foreign trade appears to have flourished with great profit both to Judah and Israel under the long contemporary reigns of Uzziah and Jeroboam II (Is. ii. 7; Hos. xii. 7). There was large commerce with foreigners under Manasseh: cp. Ezekiel's name for Jerusalem, *the gate of the peoples* (xxvi. 2, LXX), and the king of Persia's refusal to allow the walls of Jerusalem to be rebuilt lest her former power of exacting tolls and customs should revive (Ezr. iv. 20). It is striking, however, that the fulfilment of D's promise was most fully realised not while Israel remained on their own land but after their dispersion among the nations, from the Greek period onwards. Strabo's words (quoted in Jos. XIV. *Antt.* vii. 2) are a remarkable acknowledgement of the political as well as financial superiority foreseen by D for Israel: 'These Jews have penetrated to every city and it would not be easy to find a single place in the inhabited world which has not received this race, and where *it has not become master*.' See further *Jerusalem*, I. 370 f., II. 193 f., 392 ff.

7—11. One of the most beautiful as it is one of the most characteristic passages in the laws of D: illustrating not only the humane spirit, and the practical thoughtfulness of this code, but its extension of the Law to the thoughts and interests of the heart: cp. v. 21.

7. *with thee a poor man, one of thy brethren*] Heb. *in thee* as in *v.* 4; *poor*, better *needy*.

in any of thy gates] or *townships*; see on xii. 12.

harden thine heart] See on ii. 30; cp. 1 John iii. 17.

8. *lend him*] See on *v.* 6.

9. *Beware*] *be on guard with respect to thyself*; see on iv. 9.

a base thought in thine heart] Lit. *a word* or *thing in thine heart*, *baseness*, or *worthlessness*: *beliya'al*; see on xiii. 13 (14).

seventh year, the year of release, is at hand; and thine eye be evil against thy poor brother, and thou give him nought; and he cry unto the LORD against thee, and it be sin unto
10 thee. Thou shalt surely give him, and thine heart shall not be grieved when thou givest unto him: because that for this thing the LORD thy God shall bless thee in all thy work,
11 and in all that thou puttest thine hand unto. For the poor shall never cease out of the land: therefore I command thee, saying, Thou shalt surely open thine hand unto thy brother, to thy needy, and to thy poor, in thy land.

thine eye be evil] *cruel* or *grudging*, xxviii. 54, 56; the opposite of tender or compassionate.

and it be sin unto thee] 'that which we think our Prudence oft proves sin to us' (M. Henry).

10. *thine heart shall not be grieved*, etc.] *God loveth a cheerful giver* (2 Cor. ix. 7).

puttest thine hand unto] See on xii. 7.

11. *For the poor shall never cease*, etc.] See introd. note.

to thy needy, and to thy poor] Two of the three Hebrew synonyms for poor. The first is a passive form, *forced, afflicted*, then *wretched*, whether under persecution, poverty or exile, and so also *subdued, mild, meek*. The second is the Lat. *egenus, needy*.

12—18. THE YEAR OF REMISSION: (2) OF SLAVES.

If a Hebrew, man or woman, serves as a slave for six years, in the seventh he shall not only go free but be liberally equipped from his owner's property; as Israel was a slave and redeemed by God (12—15). If, however, the slave elects to remain with his owner because he loves him, then he shall be bound to his service for ever (16 f.). Nor must his emancipation seem hard to the owner: six years' profit from a slave is double the hire of a hireling (18).—Sg. throughout. Whether there are any editorial additions is uncertain: the prevailing use of the masc. for slave seems to some to point to the phrase *or an Hebrew woman* (*v.* 12 and 17 *b*) as such (Holzinger, *Einleitung*, 313, *n.* 1; cp. Steuern.).

The corresponding law in E, Ex. xxi. 2—6 (see Driver's notes), also directs the emancipation of a Hebrew bondman after six years' service, does not mention bondwoman (for the slave-concubine he has a further law, *vv.* 7—11) but provides (as D does not) for the bondman's wife: if he has entered service married he takes his wife out; if his master has given him a wife she and their children remain his master's property; and to his love for his master E adds that for his wife and children as a motive for his electing to remain. The ceremony of binding him to the service is the same as in D with an addition (see on *v.* 17). E does not provide equipment for the freed slave.

The law in Lev. xxv. 39—55 (H expanded by P) deals with both the Hebrew and the foreign bondman. The former is not to serve as slave but as a hired servant, up to the year of jubile (when all land returns to its original owners), and then go free with his children to his own family and his father's possession; nothing, therefore, is said of a provision for him from his master's goods, nor of manumission in the seventh year. Thus practically no Israelite is to be a slave: one Israelite shall not *rule over another with rigour*. But slaves of foreign birth or from among the *gērîm* are their purchaser's possession for ever and heritable property. If a poor Hebrew sell himself to a foreigner, he may be redeemed by himself or his family, and a scale is fixed for his price, but if he be not redeemed by the year of jubile, he and his children shall then go free. Throughout nothing is said as to the bondman's wife.

The gradation of these laws, though not so marked as in the case of some others, is sufficiently clear. E's is the most primitive; D's dependence on E is probable but not so evident as in other cases; it might be a different codification of the same consuetudinary law. Besides stating the law in his own phraseology (more particularly that of the Sg. address) and pleading motives for it which are characteristic of him (e.g. *vv.* 15, 18), D has the equally characteristic addition about the equipment of the freed slave. Lev. xxv. 39—55, with its addition upon Hebrew slaves sold to foreigners, reflects conditions which may sometimes have happened before the Exile, but were more prevalent only after it.

Besides, the postponement of the emancipation from the 7th year to that of the jubile seems to imply that E's and D's laws which fixed it for the former had been found impracticable; P (or H?) therefore prolongs the period of service, but compensates for this by commanding that the Hebrew slave shall be treated as a free man (Driver, *Deut.* 185). Calvin's explanation—that the term *jubile* is extended to mean every seventh year; or that the slaves to be freed at the *jubile* were those who refused enfranchisement in the seventh year and being so fully in their owner's power needed the Levitical directions for their humane treatment—is impossible.

On the neglect of the law see Jer. xxxiv. 8 ff.; Neh. v. 5.

Two other things need to be noted:—(1) The causes by which Israelites fell into slavery were mainly poverty and crime. A man unable to pay the *mohar* or purchase money for a bride might serve for her a term of years, like Jacob (Gen. xxix. 18); a father might sell his children, especially his daughters (Ex. xxi. 7), either for poverty or from the wish to connect his house with that of an influential neighbour; the insolvent debtor might be sold (2 Kgs iv. 1; Am. ii. 6, viii. 6; Neh. v. 5, 8), or, though not a debtor, might be driven by sheer want to sell himself (Lev. xxv. 39); or a man might be sold for theft, which he could not make good (Ex. xxii. 2 f.; Josephus, iv. *Antt.* viii. 2); and there were born slaves (Gen. xiv. 14). Stealing and selling a slave was punishable by death (Ex. xxi. 16). (2) The condition of slaves was good. The slave of an Israelite was a member of the family, who enjoyed its religious fellowship and took part in the rites and benefits of this, e.g. the Sabbath (v. 12, xii. 18, xvi. 11; Ex. xxiii. 12) and must therefore have been circumcised (P expressly commands this, Gen. xvii. 12). He had sometimes great influence and authority in the household and might marry his master's daughter, or even become his heir (Gen. xv. 2 ff., xxiv. 1 ff.; 1 Sam. xxv. 14 ff.; 1 Chr. ii. 34 f.). Even the oldest law, though it considers slaves to be their master's property (Ex. xxi. 21, 32),

12 If thy brother, an Hebrew man, or an Hebrew woman,
be sold unto thee, and serve thee six years; then in the
13 seventh year thou shalt let him go free from thee. And

does not allow him to kill them (*id.* 20), and if he destroy the eye or tooth of a slave he must set him free (Ex. xxi. 26 f.).

Similarly in Arabia to-day, where the condition of slaves well illustrates their condition in Israel and especially their religious standing. The treatment of course varies according to the character of the master, and in particular slaves seem less well-treated in the large towns. But on the whole the conditions of service in Arabia are good. Snouck-Hurgronje, *Mekka*, II. 12 ff., 18 f.: 'even the "slave of all work" has no hard time and all are members of the family they serve': 'take it all in all the condition of the Moslem slaves is one only technically different from that of the European servant and workman.' Doughty (*Ar. Des.* I. 554): 'the condition of a slave is always tolerable and often happy in Arabia; bred up as poor brothers of the sons of the household, they are a manner of God's wards of the pious Mohammedan householder, who is *ammy*, the "eme" of their servitude and *abûy* "my father."...The patrons who paid their price have adopted them into their households, the males are circumcised and—that which enfranchises their souls, even in the long passion of home-sickness—God has visited them in their mishap; they can say, "*it was His grace*" since they be thereby entered into the saving religion. This therefore they think is the better country where they are the Lord's free men, etc.' Musil (*Ethn. Ber.* 224): 'Among the Ṣhûr and Ḥwêṭât the slave is almost always married to a slave-girl and serves his lord, sleeps in his tent and accompanies him to war and on forays. Also he guards his flocks and enjoys almost perfect freedom; therefore only the very few run away. My escort, the slave 'Abdallah, told me that he had several times visited his relatives in Egypt, but had always returned to his master, since it was better for him with the latter than at home.' See further the notes below.

The Code of Ḥammurabi has this law (§ 117):—If a man owes a debt and he has given his wife, his son or his daughter [as hostage] for the money, or has handed some one over to work it off, the hostage shall do the work of the creditor's house; but in the fourth year he shall set them free (C. H. W. Johns, *Babylonian and Assyrian Laws*, etc. 52).

12. *thy brother*] See on *v.* 2.

an Hebrew man, or an Hebrew woman] E, Ex. xxi. 2, *an Hebrew slave*. In O.T. *Hebrew* is used either when foreigners are speaking of Israelites, or in order to distinguish Israelites from foreigners. Here the Heb. gives only the adj. masc. and fem., *Hebrew* and *Hebrewess*, without adding *man* (so Jer. xxxiv. 9, 14; cp. Gen. xiv. 13, *Abram the Hebrew* and xxxix. 17 (J) *the Hebrew slave*). The fuller phrase *Hebrew man* occurs in J and E (Gen. xxxix. 14; Ex. ii. 11), also the plur. *Hebrews* (Gen. xl. 15; Ex. ii. 6, 13, etc.). Fem. sing. only here and Jer. xxxiv. 9, plur. in E (Ex. i. 15, etc.). Not found in P. On the addition *Hebrew woman*, see Introd. § 3.

be sold unto thee] Lev. xxv. 39 A.V.: but the vb. equally means *sell himself*. E, Ex. xxi. 2, has *if thou buy*.

and serve] more probably **he shall serve** (cp. Ex. xxi. 2).

in the seventh year thou shalt let him go] *send* or *dismiss him*. Neither in E nor D is there any hint of this number being suggested by the weekly sabbath; this association first appears in H's law of the seventh fallow year, Lev. xxv. 2 ff.

free] the same adj. in Ex. xxi. 2, 5, and elsewhere of freedom from slavery.

when thou lettest him go free from thee, thou shalt not let
him go empty: thou shalt furnish him liberally out of thy 14
flock, and out of thy threshing-floor, and out of thy wine-
press: as the LORD thy God hath blessed thee thou shalt
give unto him. And thou shalt remember that thou wast a 15
bondman in the land of Egypt, and the LORD thy God
redeemed thee: therefore I command thee this thing to-day.
And it shall be, if he say unto thee, I will not go out from 16
thee; because he loveth thee and thine house, because he
is well with thee; then thou shalt take an awl, and thrust it 17

13, 14. Peculiar to D and characteristic of its philanthropy.

13. *empty*] In Pent. only in E (Gen. xxxi. 42; Ex. iii. 21, xxiii. 15), J (xxxiv. 20) and D (here, and xvi. 16).

14. *thou shalt furnish him liberally*] Lit. make-him-a-necklace (with emphatic repetition of the vb.). In this metaphor is the idea of *loading* or that of *ornamenting* (embellishing, equipping) the governing one? Probably both are combined; the metaphor rising from the primitive custom of hoarding the family wealth in heavy necklaces or headdresses. Less likely is the derivation from the use of the collar or necklace as a badge of rank or office (as it was in Egypt, Gen. xli. 42, and Persia, 1 Esdr. iii. 6).

A similar liberality is exercised in Arabia (Doughty, *Ar. Des.* I. 554).

'It is not many years, "if their house-lord fears Ullah," before he will give them their liberty; and then he sends them not away empty; but in Upland Arabia (where only substantial persons are slave-holders) the good man will marry out his freed servants, male and female, endowing them with somewhat of his own substance, whether camels or palm-stems.' Cp. Snouck-Hurgronje, *Mekka*, II. 14: 'the well-to-do owner feels himself bound where possible to provide for his loyal servant an establishment, and emancipation ranks in itself as a meritorious act: the family bond remains after as before it unbroken.' Musil (*Ethn. Ber.* 225) quotes as part of the emancipation formula: 'I dismiss my slave and endow him.'

flock, threshing-floor and wine-press] Cp. xiv. 23, xvi. 13.

as the LORD thy God hath blessed thee] vii. 13, xii. 15, xvi. 17.

15. The motive characteristic of D, v. 15, xvi. 12, xxiv. 18, 22: cp. x. 19.

16. *And it shall be, if he say unto thee*] E, Ex. xxi. 5, more simply *And if the slave say.*

I will not go out from thee] E, *I will not go out free.* On *go out*, cp. xiii. 13.

because he loveth thee and thine house] On the treatment of slaves see introd. note.

17. *thou shalt take an awl*] Lit. *a borer*, only here and in Ex. xxi. 6.

and thrust it through his ear] Lit. *set*, or *give, it*; E, *bore* or *pierce his ear. His ear* because it is the organ of obedience. Cp. Ps. xl. 6, *mine*

through his ear unto the door, and he shall be thy [1]servant for ever. And also unto thy [2]maidservant thou shalt do
18 likewise. It shall not seem hard unto thee, when thou lettest him go free from thee; for to the double of the hire of an hireling hath he served thee six years: and the LORD thy God shall bless thee in all that thou doest.

[1] Or, *bondman* [2] Or, *bondwoman*

ears thou hast opened; 'Isai.' l. 4 f., *morning by morning he wakeneth mine ear to hear as the taught... The Lord Jehovah hath opened mine ear.* In the Code of Ḥammurabi (§ 282) the slave who denies his master has his ear cut off.

unto the door] E, *to the door or doorpost*, i.e. of his master's house. See Driver on Ex. xxi. 6, and the meaning of the other phrase there, *to the Elohim*, which D omits, whether because it means the local sanctuary, abolished by D's law, or some domestic image of deity, still more repugnant to D. See Clay Trumbull, *The Threshold Covenant*, 210.

thy **bondman** *for ever*] i.e. for life; 'again a good example of the relative force of the Heb. phrase *for ever*' (Berth.).

And also unto thy **bondwoman**, etc.] See introd. note.

18. *It shall not* **be hard in thine eye**] See on *v.* 9. How well this legislator knew the hearts of his people may be seen from Jer. xxxiv. 8 ff.

for to the double of the hire of an hireling hath he served thee] Jewish commentators inferred from this that the hired servant served only for three years! (Cornelius a Lapide *in loco*). Calvin thinks that it means that a slave under compulsion worked twice as hard—which is contrary to experience. Rather, the cost of keeping a slave was only half of the current wage for a free servant.

and the LORD thy God shall bless thee] See *v.* 10.

19—23. OF FIRSTLINGS.

All male firstlings of herd and flock are to be sanctified to Jehovah; those of the ox shall not work nor those of the sheep be shorn; their flesh shall be eaten before the Lord by the offerer and his household at the One Altar year by year (19 f.). A blemished firstling shall not be sacrificed, but eaten at home under the conditions laid down (xii. 20 ff.) for the profane slaughter and eating of animals (21—23).—Sg. throughout. Steuern. takes 21 and 22 f. as probably later additions on the ground that the former is covered by xvii. 1, the latter by xii. 22 ff. But their repetition in this law is pertinent to its central purpose. For reasons why the law is placed just here see below on *v.* 20.

The earliest law on firstlings is found in variant forms in J, Ex. xiii. 11—16, xxxiv. 19 f. and E, Ex. xxii. 29 f. (see the notes in Driver's

All the firstling males that are born of thy herd and of 19
thy flock thou shalt sanctify unto the LORD thy God: thou
shalt do no work with the firstling of thine ox, nor shear
the firstling of thy flock. Thou shalt eat it before the 20

Exod. 108, 235, 370 ff. with comparative table). These enjoin the *passing over* or *giving* to the Lord of all firstborn males, both human and animal; those of men and 'unclean' animals (i.e. unfit for sacrifice) may be redeemed. D does not give so full a law on the subject, for his only intention is to adapt the practice enjoined in these earlier laws to the new conditions in which sacrifice is lawful only at the one shrine. Hence he says nothing of the firstborn of men or of unclean beasts. And hence he omits the provision in Ex. xxii. 29 f, that the firstlings of ox and sheep were to be taken from the dam after seven days and on the eighth given to the Lord; because, while this was practicable when there were many local shrines, it is no longer so when there is to be one altar. Hence also he substitutes the general direction that the offerings are to be made *year by year*. No more clear illustration could be afforded of the fact that D's code was not intended as a complete legislation, but that its motive was simply to modify earlier codes or the consuetudinary laws of Israel to the new situation brought about by its central law of one sanctuary.—P's law on the subject, Num. xviii. 15–18, is similar to the others; but adds that the flesh of the firstlings of oxen, sheep and goats shall be the perquisite of the priests: an injunction irreconcileable with D's, that it is to be enjoyed by the offerer and his family, and indicative, like so much else in P, of the growing power of the priesthood to absorb what had previously been the rights of the laity.

19. *firstling*] Heb. *bᵉkōr*, firstborn both of men (e.g. xxi. 15 f., Ex. xi. 5) and of animals; either collectively or of the individual firstling. The root meaning is *to break*; and *bᵉkōr* is defined (Ex. xiii. 2, xxxiv. 19) as that which *openeth*, or *cleaveth*, *the womb*. It covers, therefore, not the earliest births of every year in the herd or flock, but the firstborn of every dam. W. R. Smith, *Rel. Sem.* 443, compares the ambiguous Ar. *fara'*. Another form, *bikkūrīm*, is applied to *firstfruits* in general; *bikkurah* is the early fig (Mic. vii. 1, etc.).

males] 'At least a preference for male victims is found among the Semites generally, even where the deity is a goddess,' W. R. Smith, *Rel. Sem.* 280 n.; with instances from the Semitic and African races. He connects the distinction on the one hand with the prevalence of kinship through women and on the other with the fact that the cow fosters man with its milk.

thou shalt sanctify unto the LORD] So P, Ex. xiii. 2 (but with a different form of the same vb.); J, Ex. xiii. 12, *thou shalt cause to pass over to Jehovah*; xxxiv. 19, *all that openeth the womb is mine*.

20. *thou shalt eat it before the LORD thy God*] See on xii. 7, 12, 18.

LORD thy God year by year in the place which the LORD
21 shall choose, thou and thy household. And if it have any
blemish, *as if it be* lame or blind, any ill blemish whatsoever,
22 thou shalt not sacrifice it unto the LORD thy God. Thou
shalt eat it within thy gates: the unclean and the clean
23 *shall eat it* alike, as the gazelle, and as the hart. Only thou
shalt not eat the blood thereof; thou shalt pour it out upon
the ground as water.

year by year] At one of the feasts, probably the Passover, hence the place of this law of firstlings; in D immediately before that on the Passover, in Ex. xxxiv. 19 immediately after that on unleavened bread.

in the place, etc.] See on xii. 5, 18.

thy household] including the local Levite, as explicitly stated in xii. 12, 18.

21. *any blemish*] See on xvii. 1. *Thou shalt not sacrifice it*, i.e. at the one altar where alone sacrifice was now lawful; but—

22. *Thou shalt eat it within thy gates*] as an ordinary meal without rites; see on xii. 21.

23. See on xii. 23.

CH. XVI. 1—17. THE THREE FEASTS.

Every year Israel shall celebrate three Feasts at the Sanctuary. First, in the spring month Abib, a Passover, *Pesaḥ*, with the Feast of *Maṣṣôth* or unleavened loaves (1—8, cp. 16). Second, seven weeks from the time the sickle is put to the corn, the Feast of Weeks, *Shabu'ôth* (9—12). Third, after the ingathering from threshing-floor and winepress, the Feast of Booths, *Sukkoth* (13—15). Thus thrice a year all males shall appear before God, with gifts (16 f.).—In Sg. throughout; on the questionable integrity of the passage see below.

The same three feasts are prescribed in E, Ex. xxiii. 15 *a*, 16, *Maṣṣôth*, *Ḳaṣîr* or Harvest, and *'Asiph* or Ingathering, the last at *the going out of the year*, the early Israelite year ending in September; and in J, Ex. xxxiv. 18 *a*, 22, 25 *Maṣṣôth* (*v.* 25, Passover), Weeks (firstfruits of wheat-harvest) and Ingathering, *at the turn of the year*. In H (enlarged by P) Lev. xxiii., the Passover is on the 14th, and Maṣṣôth on the 15th of the first month, reckoning now from spring when the later Israelite, or Babylonian, year began; a sheaf of firstfruits is to be brought to the priest with other offerings, and 50 days later a new meal offering; and on the 15th day of the seventh month, after the produce of the land is gathered in, a feast of seven days shall begin, Israel dwelling in booths. In P, Num. xxviii. 16—xxix. we find (with additional annual solemnities) Passover and Maṣṣôth fixed as in Lev. xxiii.; a day of firstfruits with a new meal offering in Weeks;

Observe the month of Abib, and keep the passover unto 16

and on the 15th day of the seventh month a convocation with seven days of sacrifices, and on the 8th another convocation.

See Chapman, *Intr. to the Pent.* 146 ff., and the relevant notes in Driver's *Exod.* with a table (pp. 370 ff.) of the J and E laws 'derived evidently from a common original.'

The three Feasts, Maṣṣôth, Harvest or Weeks, and Ingathering or Booths are those of an agricultural people. The Passover alone was possible to Israel in their nomadic state; and in Egypt a similar sacrifice was celebrated by them, as a tradition from their nomad ancestors (Ex. iii. 8, ix. 13; cp. xii. 21 and Driver's note). Its association with the Exodus is already recognised by J, Ex. xii. 25—27. D extends the same historical meaning to Maṣṣôth, P another one to Booths, and the later Jewish tradition still another to Weeks. D also removes all three from the rural sanctuaries to the One Altar. 'Naturally the transference to the capital severed the close connection [of these Feasts] with the agricultural life, facilitated the historical interpretation and transformed local rural feasts into strictly regulated and exactly dated festivals for the whole commonwealth; which subsequent generations, in Lev. xxiii., Num. xxviii. f., fixed by a precise calendar' (Marti).

1—8. The Passover (with Maṣṣôth).

To be kept in Abib—for in that month Israel was brought out of Egypt—by the sacrifice of a victim from herd or flock at the One Altar (1 f.). For seven days unleavened bread shall be eaten—Israel's food in the haste of quitting Egypt,—and no leaven shall be found in their borders, nor any of the Passover flesh after the first evening (3 f.). The Passover shall be boiled and eaten, the people returning next morning to their tents (5—7); for six days Israel shall eat unleavened bread, and on the seventh hold a convocation and do no work (8).—The integrity of the passage has been questioned (Steuern., Stärk, Berth., Marti) and with reason. For not only do *vv.* 3 f. on Maṣṣôth break the connection of 1 f. with 5—7 on the Passover, while *v.* 8 also on Maṣṣôth reflects the style of P; but *v.* 7, fixing the Feast for one day after which the people are to return home, is difficult to harmonise with the seven days of *vv.* 3 f. and 8. Two explanations are possible;—(1) D's law originally consisted of *vv.* 1 f., 5—7, and dealt only with the Passover; and the *vv.* on Maṣṣôth are from an editor. But there is no reason why the original code of D should ignore Maṣṣôth—for which certainly E has a law, Ex. xxiii. 15 *a*, and (Steuern. notwithstanding) J also, Ex. xxxiv. 18 *a*—unless Maṣṣôth, a purely agricultural feast, had become too closely associated with the cults of the Baalim. (2) More probably we have here a compilation of two laws of D, originally separate, one on Passover and one on Maṣṣôth. In either case the combination of Passover and Maṣṣôth, which was not original and is not accepted even by H in Lev. xxiii. (5, 9 ff.; 6—8 are added by P), took place between the date of the original code of D and that of the final composition of the Book of Deuteronomy.

1. *Observe*] As of the Sabbath, v. 12.

month of Abib] *Abib=young ears of corn* (Ex. ix. 31; Lev. ii. 14)

the LORD thy God: for in the month of Abib the LORD thy
2 God brought thee forth out of Egypt by night. And thou
shalt sacrifice the passover unto the LORD thy God, of the
flock and the herd, in the place which the LORD shall
3 choose to cause his name to dwell there. Thou shalt eat
no leavened bread with it; seven days shalt thou eat
unleavened bread therewith, even the bread of affliction;
for thou camest forth out of the land of Egypt in haste:
that thou mayest remember the day when thou camest forth

and the month fell in our March—April. So E and J (Ex. xiii. 4, xxiii. 15, xxxiv. 18). The name, belonging to the early agricultural calendar, was replaced after the Exile by the name Nisan of the later priestly calendar, in which it was the first month (P, Ex. xii. 1 f. etc.).

and keep] Lit. *make* or perform; see v. 15.

passover] Heb. *pésaḥ*, so named according to P, Ex. xii. 13, 23, 27, because God *passed over* (*pasaḥ*) the Hebrews' houses when He smote the Egyptian first-born on the eve of the Exodus. Other etymologies suggested are:—(1) from the passage into the New Year (Reuss), but the Passover month did not become the first of Israel's year till after the Exile; (2) from *pasaḥ* to *limp* (1 Kings xviii. 26) as if of some sacred dance connected with threshold-rites; (3) from its expiatory value; cp. Ass. *pasahu*, to placate the deity (Zimmern in Schrader's *KAT*^{3}, 610 n.). Since the Passover was celebrated at night others (4) connect its origin with the phases of the moon. Whatever that origin may have been, the feast (as we have seen) was observed by Israel earlier than the Exodus and was possibly the same as the spring sacrifice of firstlings or other tribute from the flocks, common throughout the Semitic world. But its association with the Exodus was undoubtedly early and has ever since constituted its chief, if not its only, significance. The history and the meaning of the Passover have been so exhaustively treated in this series, Driver, *Exod.* Appendix I., that it is unnecessary to discuss the subject further here.

2. *of the flock and the herd*] Sheep, goat or ox, and doubtless as in J, a firstling. P, Ex. xii. 3—6, prescribes a male of the first year (see Driver's note), but limits it to a lamb or kid; in later practice a lamb was invariably chosen.

in the place which **Jehovah** *shall choose*] To *Jehovah* Sam. LXX add *thy God*. In J, Ex. xii. 21—26, the service is domestic; and P, Ex. xii. 3 ff., also preserves its domestic character, cp. *v.* 46.

3, 4. See introd. note.

bread of affliction] The affliction of Israel in Egypt, Ex. iii. 7, iv. 31, culminating in the *haste* or **trepidation** (Driver) with which they ate their last meal there. So P, Ex. xii. 11; cp. for the meaning of the word, xx. 3; 1 Sam. xxiii. 26; 'Isai.' lii. 12.

out of the land of Egypt all the days of thy life. And there 4
shall be no leaven seen with thee in all thy borders seven
days; neither shall any of the flesh, which thou sacrificest
the first day at even, remain all night until the morning.
Thou mayest not sacrifice the passover within any of thy 5
gates, which the LORD thy God giveth thee: but at the 6
place which the LORD thy God shall choose to cause his
name to dwell in, there thou shalt sacrifice the passover at
even, at the going down of the sun, at the season that thou
camest forth out of Egypt. And thou shalt [1]roast and eat 7
it in the place which the LORD thy God shall choose: and
thou shalt turn in the morning, and go unto thy tents. Six 8

[1] Or, *seethe*

no leaven...neither shall any of the flesh...remain] The two prohibitions are connected because anything fermenting or putrefying was not admissible in sacrifice (W. R. Smith, *Rel. Sem.* 221 n.). Cp. P, Ex. xii. 19.

5, 6. See on *v.* 2. For *at even*, P, Ex. xii. 6, employs his technical expression *between the two evenings*, on which see Driver's note. *Season, set time* or *date*, i.e. hour of day.

7. *And thou shalt* **seethe**] The Heb. *bashal* may be used in the general sense of *cooking*, but it usually means to *boil* (xiv. 21; 1 Sam. ii. 13, 15). The R.V. *roast* is due to the effort to harmonise this law with that of P, Ex. xii. 9, which directs that the sacrifice shall be *roast with fire*; but P expressly adds that it shall *not* be boiled in water, and uses for this the same vb *bashal* as D does. Clearly D and P enjoin different methods of preparing the paschal lamb. *Boiling* appears to have been the earlier preparation of the part of victims eaten by the worshippers (Judg. vi. 19 ff.; 1 Sam. ii. 13 f.) and roasting was at first regarded as an innovation (1 Sam. ii. 15). See however Driver's note.

thou shalt turn] See on iii. 1.

and go unto thy tents] An interesting survival from the nomadic period of Israel's history; cp. (also for the time after the settlement in towns) Judg. vii. 8, xix. 9 (EVV. *home*); 1 Sam. xiii. 2; 2 Sam. xix. 8, xx. 22; 1 Kgs xii. 16. The people then are to return to their homes on the morning after the Passover feast.

8. See introd. note. The incompatibility of this *v.* with the preceding is obvious unless we are to explain *tents* as the shelters which pilgrims to the central sanctuary pitched during the feast. But (as we have seen) *tents* means the people's homes. The numbering of the days is not clear. If the Passover day itself is included there is no contradiction of *v.* 3, for that was the first day of unleavened bread,

days thou shalt eat unleavened bread: and on the seventh day shall be a solemn assembly to the LORD thy God; thou shalt do no work *therein*.

9 Seven weeks shalt thou number unto thee: from the time thou beginnest to put the sickle to the standing corn shalt
10 thou begin to number seven weeks. And thou shalt keep the feast of weeks unto the LORD thy GOD [1]with a tribute of

[1] Or, *after the measure of the &c.*

and this *v.* may be interpreted as also fixing seven days for the eating of such bread; but distinguishing them as six *plus* a seventh on which in addition the solemn assembly was to be held. But if the Passover day was meant to be included it is strange that it is not mentioned. On the whole, and particularly because of the two expressions characteristic of P, *a solemn assembly* and *thou shalt do no work* (the latter however also in Deut. v. 13), it is probable that *v.* 8 is an addition by the compiler of the two once separate laws on the Passover and the Maṣṣôth.

9—12. THE FEAST OF WEEKS.

To be joyfully celebrated after seven weeks from the beginning of harvest, with free-will offering, by each Israelite, along with his household and the local Levites and other poor at the One Altar (9—11). Whether *v.* 12 is original is doubtful; see below. For corresponding laws in other codes see introd. to *vv.* 1—17. This is the only feast not associated in the O.T. with a memorable event in Israel's history. Later Judaism assigned to it the giving of the Law on Sinai.

9. *Seven weeks shalt thou number unto thee*] Hence the name of the Feast, Weeks, *Shabu'ōth*, *vv.* 10, 16, also in J, Ex. xxxiv. 22. H, Lev. xxiii. 16, prescribes *fifty days* from the sabbath after the presentation before the Altar of the first sheaf of the harvest; hence the Hellenistic name Pentecost, 'the fiftieth' (day) or the day after the conclusion of the seven weeks. The name given by E, Ex. xxiii. 16, *Harvest*, implies that the harvest was by that time concluded. In the warmest parts of Palestine barley ripens in April, wheat later; but in colder districts the harvest is not finished for at least seven weeks more. The present writer has seen wheat reaped in Ḥauran as late as the second half of June.

from the time thou beginnest, etc.] Lit. *from the start of the sickle* (only here and xxiii. 25) *on the standing corn*, a variable date; so H, Lev. xxiii. 15 f., 50 days from the sabbath after the presentation of the first sheaf. It is significant that while D's date starts from Maṣṣoth, he says nothing to date Weeks from the Passover: another indication that when the original code of D was drawn up the Passover and Maṣṣoth were not yet amalgamated. See introd. to *vv.* 1—8.

10. *feast*] Heb. *ḥag*, as in Rabbinic Hebrew *a pilgrim-feast*, and

a freewill offering of thine hand, which thou shalt give, according as the LORD thy God blesseth thee: and thou 11
shalt rejoice before the LORD thy God, thou, and thy son, and thy daughter, and thy manservant, and thy maidservant, and the Levite that is within thy gates, and the stranger, and the fatherless, and the widow, that are in the midst of thee, in the place which the LORD thy God shall choose to cause his name to dwell there. And thou shalt remember 12
that thou wast a bondman in Egypt: and thou shalt observe and do these statutes.

Thou shalt keep the feast of [1]tabernacles seven days, after 13

[1] Heb. *booths.*

in Ar. *pilgrimage* (perhaps originally a sacred dance, Wellh. *Reste d. Arab. Heiden.* III. 106, 165, and Ex. xxxii. 5 f.; cp. the vb *ḥagag*, Ps. xlii. 5, cvii. 27). So E, Ex. xxiii. 14, and frequently in O.T. of the three pilgrim feasts. See Driver's *Exod.* 242.

with a tribute of a free-will offering, etc.] Heb. (according to) *the sufficiency of the free-will offering*, etc.; i.e. with a gift (see on xii. 6) adequate to the competence of the offerer, as he has been blessed by God.

11. See on xii. 5, 7, 11 f. 18.

12. *And thou shalt remember*, etc.] See on xv. 15. This clause is not relevant to the whole law, but only to the inclusion under it of the bondservant, *v.* 11. It can hardly be original, and as the rest of the *v.* is purely formal, the whole is probably secondary.

13—15. THE FEAST OF BOOTHS.

To be observed for seven days after the harvest of corn and wine by each family and their dependents, at the One Altar; and that altogether joyfully because of God's blessing.—For the parallels and the other name of the Feast see introd. to *vv.* 1—17. This feast is also called *the feast* par excellence (1 Kgs viii. 2, 65, etc., cp. Jud. xxi. 19 ff.) not so much for its length, as because it crowned the year. See further xxxi. 10.

13. *Thou shalt keep*] Heb. *perform for thyself*, see on *v.* 1.

the feast of **booths**] *feast*, *ḥag*, as in *v.* 10. *Booths*, *sukkôth*, lit. *plaitings* or *interlacings*, whether natural *thickets* (Job xxxviii. 40, etc.) or artificial shelters of branches or planks, especially for the guardians of vineyards (Is. i. 8); applied first by D, and explained by H, Lev. xxiii. 39—43, which prescribes that the people shall dwell throughout the feast in booths of palm-fronds, boughs of thick trees and poplars (Neh. viii. 15, olive, myrtle, palm and thick tree branches). H's reason for this custom is that Israel dwelt in booths at the Exodus;

that thou hast gathered in from thy threshing-floor and from
14 thy winepress: and thou shalt rejoice in thy feast, thou, and
thy son, and thy daughter, and thy manservant, and thy maid-
servant, and the Levite, and the stranger, and the fatherless,
15 and the widow, that are within thy gates. Seven days shalt
thou keep a feast unto the LORD thy God in the place which
the LORD shall choose: because the LORD thy God shall bless
thee in all thine increase, and in all the work of thine hands,
16 and thou shalt be altogether joyful. Three times in a year
shall all thy males appear before the LORD thy God in the

but the general resort of the cultivators to booths in their vineyards at the time of the ripening of the grapes and the vintage, which still continues in Palestine (Robinson, *Bib. Res.* II. 81), was no doubt very ancient and the real origin of the name of the Feast. After the centralisation of the cultus, the booths were erected in the courts and on the flat roofs of the city, Neh. viii. 14—17, which implies that before the restoration of Israel's worship under Nehemiah the custom had been in abeyance. The term *tabernacles* is used in the EVV. in the sense given by Johnson of 'casual dwellings' (Lat. *taberna* a hut, *tabernaculum* a tent).

seven days] So H, Lev. xxiii. 39, to which P, Nu. xxix. 35, adds an eighth, with a convocation. Passover and Weeks are one day each.

threshing-floor and winepress] xv. 14.

14. *and thou shalt rejoice*] As in *v.* 11 but slightly varied.

15. *the place which the* LORD *shall choose*] On the effects of the centralisation of the feasts see introd. to *vv.* 1—17.

and thou shalt be altogether joyful] Heb. *only*, or *nothing but, joyful.* This emphatic repetition of the command is remarkable, but hardly sufficient to answer in the affirmative Steuernagel's question whether the feast had before D's time begun to lose its ancient, joyous character.

16, 17 summarise the laws of the three feasts. *v.* 16 repeats (with a characteristic variation and addition of the divine title) the older commandment in J, Ex. xxxiv. 23, repeated (editorially) in E, xxiii. 17; *three times a year shall all thy males appear before the Lord Jehovah.* That only *males* are mentioned here, while *vv.* 11, 14 include among the worshippers *daughters*, *bondwomen* and *widows*, is no proof that this summary is from another hand than the three preceding laws (Steuern.). It is the same author but he is quoting the older law. In contrast with its confinement of the law to *males* D's inclusion of women is characteristic; see on v. 21.

shall appear before the LORD *thy God*] Heb. *shall let himself be seen at the face of*, a possible but awkward construction. It is probable that the original reading, which may be restored without the change of a

place which he shall choose; in the feast of unleavened bread, and in the feast of weeks, and in the feast of tabernacles: and they shall not appear before the LORD empty: every man [1]shall give as he is able, according to the blessing of the LORD thy God which he hath given thee. 16 17

Judges and officers shalt thou make thee in all thy gates, 18

[1] Heb. *according to the gift of his hand.*

consonant and by merely altering the vowel-points, was *shall see the face of*. The motive of the present punctuation would be the desire to avoid the anthropomorphism involved in the phrase 'seeing the face of God.'

II. Second Division of the Laws: the Officers of the Theocracy—xvi. 18—20...xvii. 8—xviii.

Five Laws on Judges and Justice, Appeal to the Sanctuary, the King, the Priests, the Prophets; interrupted by an isolated group of laws on the Worship, xvi. 21—xvii. 7.

XVI. 18—20. Of Judges and Justice.

Judges with officers are to be appointed in every locality but according to tribes. Justice is to be pursued with strict impartiality.—Sg. Steuern. regards *v.* 18 alone as original on the grounds that while it commits the discharge of justice to special judges, *vv.* 19 f. addresses the whole people as responsible for it; and that while 18 presupposes Israel's occupation of the land, 20 b promises this as the reward of the people's justice. But the former variation, though a possible, is not a certain, mark of diversity of authorship. The same author, after instituting the judges, might well address to the whole people his enforcement of the principles which were to inspire the institution, especially since (as we shall see) he left to the popular courts part of the duty of discharging justice. 20 *b*, a couple of deuteronomic formulas, may well be a later scribe's *malapropos* addition to the original law. There is no reason for doubting the integrity of the rest. *v.* 19 is a close, but not exact, quotation from E. On the substance of this law see notes to i. 9—18.

18. *Judges...shalt thou make thee*] Heb. *give* or *appoint for thyself.*

and officers] *scribes* or *marshals.* See on i. 15.

in all thy gates] The law is another consequence of the centralisation of the cultus. In ancient Israel ordinary cases were decided by the meeting of the community at the town's gate, and the harder cases referred to the local sanctuary for decision by its priest as God's representative; cp. *the Elohim* in E, Ex. xxi. 6, xxii. 8 ff., 1 Sam. ii. 25.

which the LORD thy God giveth thee, according to thy tribes: and they shall judge the people with righteous
19 judgement. Thou shalt not wrest judgement; thou shalt not respect persons: neither shalt thou take a gift; for a gift doth blind the eyes of the wise, and pervert the [1]words
20 of the righteous. [2]That which is altogether just shalt thou follow, that thou mayest live, and inherit the land which the LORD thy God giveth thee.

[1] Or, *cause* [2] Heb. *Justice, justice.*

On the abolition of the local sanctuaries the former, the popular, court continued, as we see from the *elders* mentioned in xix. 12, xxii. 13—21, xxv. 5—10, and combined with the *judges* in xxi. 2. But other provision had to be made for the superior procedure hitherto carried out at the local sanctuaries, and it is effected *first* as here by the appointment of local lay judges, and *second* in xvii. 8 f. by the constitution of the Priests of the One Altar as a court of final reference. Josephus' version, IV. *Antt.* viii. 14—seven judges for each township with two Levites as assessors—probably reflects the arrangements of his own time.

according to thy tribes] This survival of the old tribal interests (i. 13), alongside of the new arrangement according to locality, is interesting.

and they shall judge, etc.] i. 16.

19. *Thou*] The whole people are responsible for the impartial discharge of justice: characteristic of D.

shalt not wrest judgement] E, Ex. xxiii. 6: *the judgement of thy poor in his cause.*

thou shalt not respect persons] See on i. 17.

neither shalt thou take a gift, etc.] So E, Ex. xxiii. 8, except that for *the eyes of the wise* it has the *open-eyed* or *them that have sight.*

a gift] Heb. *shoḥad*, of *a present* in order to influence justice, **a bribe** (x. 17), a prevalent temptation of judges in the East, where he is regarded as still a just judge who takes gifts only from the party in the right, as it were a fee for his judgement or an inducement to hasten it. Here, however, the acceptance of any gift by a judge is forbidden. In the Code of Hammurabi the 5th law, expelling from office the judge who alters his decision, implies that he does this for some unjust reason such as a bribe. On bribery among the settled Arabs see Doughty *Ar. Des.* I. 607.

words] Statements or pleas, equivalent to **cause** or case.

20. *That which is altogether just*] Heb. *righteousness, righteousness.*

follow] Not only desire but indefatigably *hunt after*; cp. xiii. 14, *inquire, make search and seek diligently.*

that thou mayest live, etc.] See note on iv. 1 and introd. to this passage.

Thou shalt not plant thee an Asherah of any kind of tree beside the altar of the LORD thy God, which thou shalt make thee. Neither shalt thou set thee up a [1] pillar; which the LORD thy God hateth. 21 22

[1] Or, *obelisk*

XVI. 21—XVII. 7. ISOLATED GROUP OF LAWS ON WORSHIP.

This group of laws against heathen symbols and blemished sacrifices and the worship of other gods—all of them abominations to, or hated by, Jehovah—is quite isolated, between two sets of laws on judicial procedure, xvi. 18—20 and xvii. 8 ff.; and we have seen reasons (above p. 173) for supposing that the whole group originally stood between xii. 29—31 and xiii. 1 (2)—18 (19). The notes below will show that there are both similarities and dissimilarities between the two separated sections. The reason which Steuernagel gives for supposing that xvi. 21 is by another author than that of ch. xii., with a different aim of reform—viz. because he speaks only of *an altar* and does not use the formulas found in xii. for the *One Altar*—is not convincing. With regard to this and the other dissimilarities of the present section from xii. 29—xiii. 18 it must be remembered that within the latter there are also dissimilarities. Throughout the form of address is in the Sg.: there are some editorial additions.

XVI. 21, 22. AGAINST THE USE OF 'ASHERIM AND MASSEBOTH.

21. *Thou shalt not plant thee an Asherah*] *plant*, because the 'Asherah (see general note following) was either a mast or artificial tree.

of any kind of tree] The Heb. construction is not in the genitive but in apposition; translate therefore: *an 'Asherah*, **any tree** or **any timber.**

beside the altar of the LORD thy God] No doubt, the Heb. may mean either *the* (*one*), or *any*, *altar* (for the latter see Ex. xx. 26, where *my altar* in the light of *v.* 24 must mean *any of my altars*). Yet the former meaning being the more natural, and there being no trace elsewhere in D of the permission of other altars after the settlement of Israel in Canaan was achieved, it is precarious to suppose (Steuernagel) that we have here the expression of a different school of deuteron. reform from that which appears in ch. xii.: one viz. which permitted more than one sanctuary and sought only to secure the purity of worship at these.

22. *Neither shalt thou set thee up a pillar*] *raise for thyself a Massebah* (see general note following) or *standing-stone.*

which the LORD thy God hateth] Similarly xii. 31, but with the addition there of *abomination*, which is wanting here but found in the next verse.

General Note on the 'Asherah and Maṣṣebah.

Two symbols or inhabitations of deity erected in sanctuaries throughout the Semitic world: frequently combined in the O.T. as present in Canaanite sanctuaries, and at first erected also by Israel but afterwards forbidden to them.

1. *The 'Ashērah* (plur. *'Ashērim*, see xii. 3 and elsewhere, but *'Ashērōth* 2 Chron. xix. 3, xxxiii. 3), artificial tree or mast set up like the *maṣṣeboth* by the altars of Semitic sanctuaries, a *work of man's fingers* (Isai. xvii. 8: cp. 1 Kgs xiv. 15, xvi. 13, 2 Kgs xxi. 3), wooden (xvi. 21, Judg. vi. 26, *the wood of the 'A.*; cp. the verbs used of it: *plant*, xvi. 21, *rise*, 'Isai.' xxvii. 9, *pluck up*, Mic. v. 14, *cut down*, vii. 5, Judg. vi. 25 f., 30, 2 Kgs xviii. 4, xxiii. 14, 2 Chron. xiv. 2, *burn*, here, 2 Kgs xxiii. 6, 15, in distinction from the *breaking* of the stone *maṣṣebōth*). Unlike the *maṣṣebah* the *'Asherah* is never described as a sanctioned or tolerated part of Jehovah's sanctuaries. There was one by the altar of the Ba'al belonging to his father, which Gideon cut down (Judg. vi. 25 ff.); Ahab made *the* or *an 'Asherah* for the altar of the Ba'al in Samaria (1 Kgs xvi. 33), which appears to have been left by Jehu when he burned the *maṣṣeboth* there (2 Kgs x. 26 ff.; see however end of this note), for it still stood under Jehoahaz (2 Kgs xiii. 6). The deuteronomic editor of Kings says that in Judah Rehoboam raised *maṣṣeboth* and *'Asherim* on every high hill and under every spreading tree (1 Kgs xiv. 23): Jehoshaphat is said to have removed them (2 Chron. xiv. 2, xvii. 6, xix. 3), but they were restored by Joash (*id.* xxiv. 18). Their removal is stated as part of Hezekiah's reforms (2 Kgs xviii. 4), but Manasseh, besides building altars to the Ba'al, made an 'Asherah (*id.* xxi. 3), and by the prophets they are counted among the idolatrous sins of Israel (Mic. v. 14, Jer. xvii. 2, 'Isai.' xxvii. 9). That they were dedicated to Jehovah is implied in the prohibition, xvi. 21. The command to cut them down in Ex. xxxiv. 13 is a later insertion: there is no record of a law against them before D. Like the standing-stone the mast (or tree for which it stood) was frequently identified with the deity, and was probably the female counterpart to the stone. Several passages seem to imply that there was a goddess called 'Asherah (*prophets of the 'A.*, 1 Kgs xviii. 19, *image of the 'A.*, *id.* xv. 13, 2 Kgs xxi. 7, *vessels of the 'A.*, *id.* xxiii. 4, and even *houses*, i.e. tents or deckings, *id.* xxiii. 7: cp. the veiled 'Asherah below). Her existence has been denied by, among others, W. R. Smith (*Rel. Sem.* 171 f.). But his reason, that every altar, to whatever deity it belonged, had an 'Asherah is hardly sufficient to prove an exclusively generic meaning for the name. Recent Assyriology appears to put beyond doubt the name 'Asherah as that of a Canaanite goddess and to give good reasons for her identification with 'Ashtoreth (cp. Judg. iii. 7, 1 Kgs xviii. 19). The Ass. name is Ashratu or Ashirtu, and in the Tell-el-Amarna letters we find a man's name 'Abd-'Ashratum, 'the worshipper of 'Asherah.'

'The double meaning which 'Asherah has as "sacred pole" and as the name of the goddess (= 'Ashtoreth) is now placed beyond doubt by the witness of the Tell-el-Amarna tablets (Ashirtu=Ishtar) and finds its explanation in a representation of the veiled Ishtar-Ashera, as a bust running into a pillar in the fashion of the Hermes, discovered by von Oppenheim at Ras el-'Ain, the source of the Khabur' (Winckler and Jensen, 3rd ed. of Schrader's *KAT* 276, see also 245, 248, 258, 421, 432 f.).

That the 'Asherah represented a female deity (in distinction from the male character of the maṣṣeboth) is perhaps the reason of the less tolerance which it received in Israel.

2. The Maṣṣebah (thing set upright) *standing-stone* (plural *maṣṣeboth*, xii. 3), such as that raised by Jacob as the witness of his bargain with Laban (Gen. xxxi. 49, 51) and at Rachel's grave (*id.* xxxv. 20), or by Absalom in his own memory (2 Sam. xviii. 18); but usually of the large monoliths (R.V. marg. *obelisks*) beside the altars of Semitic shrines. They were regarded as the habitation of a deity (see Gen. xxviii. 22 below), but in the sense of being his embodiment; and so in ritual 'spoken of and treated as the God himself' (W. R. Smith, *Rel. Sem.* 85); 'in them one saw the deity present at the altar, and to them the worshippers directed their hands and their prayers' (Nowack, *Hebr. Arch.* II. 18). That they stood in Canaanite sanctuaries is frequently stated in the O.T. (here, vii. 5, Ex. xxiii. 24; and for the house of the Ba'al in Samaria, 2 Kgs x. 26 f.).

Specimens were recently discovered at Gezer by Mr R. A. S. Macalister—in one high place a row of 10, divided into 7 and 3, of which only the stumps of two remain, and the rest vary in height from 5 ft 5 ins. to 10 ft 6 ins., the largest being 4 ft 7 ins. broad by 2 ft 6 ins. thick, and in another high place a row of 4 with the stump of a fifth; at Ta'anak by Prof. Sellin two rows of 5 each, with a pair at a little distance; and at Megiddo (Tell-el-Mutesellim) by Dr Schumacher one pair. In the high-place at Petra there are 2 great Masseboth 6 metres high, hewn out of the living rock. Those at Gezer are roughly hewn from (with one exception) the local rock, the upper end of one worked to a sharp point, and the slopes 'polished by having been kissed, anointed, rubbed or otherwise handled,' and another 'carefully shaped to a rounded form': both probably phallic (*PEF. Quart. Statement*, 1903, 25 ff.; *Bible Side-lights from Gezer*, 57 ff.).

In the earliest times *maṣṣeboth* were erected by the Hebrews: by Jacob (Gen. xxviii. 18, 22 E, xxxv. 14 f. J) in memory of God's appearance to him, and *to be* God's-house = Beth-el (cp. Gk *βαιτύλιον* and *βαίτυλος*, 'animated stone,' through the Phoenician). Because of the verb we should also read *maṣṣebah*, for the *mizbeah*, *altar*, which Jacob *set up* at Shechem and called God, the God of Israel (xxxiii. 20, E). According to E (to whom most of the O.T. notices of masseboth are due) Moses put up 12 with the altar which he built on Ḥoreb[1]. Hosea (iii. 4, x. 1) implies that *maṣṣebôth* were as regular parts of Jehovah's sanctuaries in N. Israel as altars and sacrifices[2]. With such

[1] We read also of *great stones* set up by Joshua in Jehovah's sanctuary at Shechem as a witness against the people (Jos. xxiv. 26 E) and at Gilgal as memorials of the passage of Jordan (*id.* iv. 5), at Mizpeh and Gibeon (1 Sam. vii. 12; 2 Sam. xx. 8).

[2] According to Isai. xix. 19, a *maṣṣebah* shall be erected in Egypt as a symbol of her people's acknowledgement of Jehovah; but the date of this prediction is uncertain; and the writer may be speaking metaphorically. The two bronze columns Yakin and Bo'az (1 Kgs vii. 21) were probably from their names 'He foundeth' and 'In him is

17 Thou shalt not sacrifice unto the LORD thy God an ox, or a sheep, wherein is a blemish, *or* any evil-favouredness: for that is an abomination unto the LORD thy God.

a recognition of the *maṣṣeboth* in the worship of Jehovah the command in xii. 3 to destroy the *maṣṣeboth* of the Canaanite sanctuaries is of course compatible. But the same cannot be said of the injunction in xvi. 22 not to set up a *maṣṣebah* beside the altar of Jehovah, *which Jehovah thy God hateth* (cp. Mic. v. 13). This is another of the many marks that the deuteron. legislation is later than Hosea. It is possible, however, that there had never been a maṣṣebah in the Temple of Jerusalem. In 2 Kgs x. 26 f. Jehu is said to have *burned the maṣṣeboth* in the house of the Ba'al in Samaria, but because of the verb some read instead *the 'Asherah*. On the whole subject see especially W. R. Smith, *Rel. Sem.*, 1st ed., 186 ff., 437 f.; G. F. Moore, 'Massebah' in *EB*.

Ch. XVII. 1. Against Blemished Sacrifices.

This law against the use of blemished victims for sacrifice comes naturally after those forbidding the *'Asherah* and *Maṣṣeba*, and that against child-sacrifice, xii. 31, for the blemished victim is not merely an irregularity but an abomination to Israel's God, which He hateth: xii. 31, xvi. 22. It is also more natural that this general law, xvii. 1, should precede, instead of follow, the more special xv. 21. The legislation in J and E has no corresponding law; nor has that in P, where, however, there are frequent statements that the victim must be *perfect* (e.g. Lev. i. 3, 10); but H has a parallel, Lev. xxii. 17—25, that gives details of the offerings, the victims and the blemishes to which the law applies; and adds the reason: *it is the meat of your God*.

a blemish] or *fault, any ill thing*; xv. 21: lame or blind; Lev. xxii.: blind, broken, maimed, having sores or scurvy, mutilated, crushed or broken; a bullock or lamb with any part superfluous or lacking may do for a free-will offering, but not for a vow; Mal. i. 8: blind, lame, sick.

abomination] See on vii. 25.

2—7. Against Worshippers of Other Gods.

If such be found in any of thy gates, and their crime established, they shall be stoned (2—5); only at the mouth of two witnesses shall any one be put to death: so shalt thou burn out the evil from the midst of thee (6 f.).—The evil condemned is related to those which precede it by being like them one of *all the abominations to Jehovah which He*

strength' symbols of the Deity, but they did not stand in the inner sanctuary. W. R. Smith, *Rel. Sem.* 191 *n.* and 468, takes them as altar-pillars with hearths on their tops.

If there be found in the midst of thee, within any of thy 2
gates which the LORD thy God giveth thee, man or woman,
that doeth that which is evil in the sight of the LORD thy
God, in transgressing his covenant, and hath gone and 3
served other gods, and worshipped them, or the sun, or the
moon, or any of the host of heaven, which I have not com-
manded; and it be told thee, and thou hast heard of it, 4
then shalt thou inquire diligently, and, behold, if it be true,
and the thing certain, that such abomination is wrought in
Israel; then shalt thou bring forth that man or that woman, 5
which have done this evil thing, unto thy gates, even the
man or the woman; and thou shalt stone them with stones,
that they die. At the mouth of two witnesses, or three 6
witnesses, shall he that is to die be put to death; at the

hateth, xii. 31, and the law dealing with it naturally leads up to the three in ch. xiii., with which it shows some similarities of language, along with such variations as these three show among themselves. Like them it is in the Sg. throughout.

2. *If there be found in the midst of thee*] xiii. 1 (2): *if there arise*, etc.; *q.v.*

within any of thy gates] xiii. 12 (13): *one of thy cities*; *q.v.*

doeth that which is evil, etc.] See on iv. 25.

in transgressing his covenant] Josh. vii. 11, 15, xxiii. 16 (all deuteron.). The same sin is in iv. 23 called *forgetting the covenant*. On *covenant* see iv. 13.

3. *gone and served other gods*] So xiii. 6, 13 (7, 14); and 2 (3) with slight variation.

sun, moon, etc.] See on iv. 19.

which I have not commanded] Cp. iv. 19: *which thy God hath assigned unto the peoples*. The use of the first person here is remarkable; God Himself takes up the speech, as in vii. 4 and frequently in the prophets: e.g. Jer. vii. 31, xix. 5, xxxii. 35.

4. *and it be told thee, and thou hast heard*] Similarly xiii. 12 (13).

shalt thou inquire, etc.] So, but with additions, xiii. 14 (15), *q.v.*

5. *thou shalt bring forth...unto thy gates*] Cp. xxii. 24: the usual place for stoning was without the gate, so that the city might not be polluted (cp. Lev. xxiv. 14, Num. xv. 36); where also Stephen was stoned, Acts vii. 58, under this law. On *stoning* see on xiii. 10 (11).

even the man or the woman] Omit with LXX.

6. *At the mouth of two witnesses or* **at the mouth** *of three witnesses*] So Sam. and LXX, as in xix. 15, where the law, here applied to a particular case, is more generally stated. Cp. P, Num. xxxv. 30.

7 mouth of one witness he shall not be put to death. The hand of the witnesses shall be first upon him to put him to death, and afterward the hand of all the people. So thou shalt put away the evil from the midst of thee.

8 If there arise a matter too hard for thee in judgement, between blood and blood, between plea and plea, and between stroke and stroke, being matters of controversy

7. *The hand of the witnesses shall be first*, etc.] Cp. xiii. 9 (10): so they would feel more seriously the responsibility of their testimony!

so thou shalt put away the evil] **burn out.** See on xiii. 5 (6).

8—13. Of the Judges of Final Appeal.

Local cases too hard for the local courts (see xvi. 18—20, on which this passage immediately follows) are to be taken before the Priests, the Levites at the Sanctuary, and the Judge of the time (8 f.), whose decisions must be strictly obeyed (10 f.); the man who presumptuously refuses to obey shall die (12 f.).—Sg. address. The association of a lay judge with the priests is remarkable. Because of this and because he regards 8 *b* and 9 *a* as doublets and 10 and 11 as another pair of doublets, Steuern. analyses the passage into two originally distinct laws (with editorial additions), one constituting the Priests of the Altar a court of appeal, the other recognising the Judge (i.e. the King) as the final authority. But 8 *b* and 9 *a* are not doublets, and although 10 and 11 are redundant it is impossible to discriminate in them two distinct sources. More probably the passage is intended to sanction the double practice prevailing in Israel from the earliest times, and during the monarchy, of the discharge of justice by both the priestly and the civil heads of the people. How the authority was divided is nowhere stated except in 2 Chron. xix. 8—11, which attributes to King Jehoshaphat (873—849) the institution of a double court consisting of Levites, priests, and heads of families. Over this the chief priest was set *in all the matters of Jehovah*, and a prince was set over it *in all the King's matters*. But it is uncertain whether the passage merely reflects the procedure of justice in the Chronicler's own day or is a genuine memory of that which prevailed under the monarchy. See the present writer's *Jerusalem*, I. 379 n., 387 f.

8. *If there arise a matter too hard for thee*] Heb. *if a matter be too wonderful* (or *extraordinary*) *for thee*; cp. xxii. 11. In i. 17, and Ex. xviii. 22, 26 (E), *hard* translates other Heb. words.

between blood and blood] i.e. between accidental manslaughter and wilful murder, iv. 42, xix. 4 f., 11 f.; E, Ex. xxi. 12—14.

between plea and plea] Probably questions of property, as in Ex. xxii. 1 ff., etc.

between stroke and stroke] Questions of compensation for bodily injuries, such as are defined in E, Ex. xxi. 18 ff.

within thy gates: then shalt thou arise, and get thee up unto the place which the LORD thy God shall choose; and thou 9 shalt come unto the priests the Levites, and unto the judge that shall be in those days: and thou shalt inquire; and they shall shew thee the sentence of judgement: and thou 10 shalt do according to the tenor of the sentence, which they shall shew thee from that place which the LORD shall choose; and thou shalt observe to do according to all that they shall teach thee: according to the tenor of the law 11 which they shall teach thee, and according to the judgement which they shall tell thee, thou shalt do: thou shalt not turn aside from the sentence which they shall shew thee, to the right hand, nor to the left. And the man that doeth 12 presumptuously, in not hearkening unto the priest that standeth to minister there before the LORD thy God, or unto the judge, even that man shall die: and thou shalt put

matters of controversy within thy gates] Summary of the previous clauses—all local cases. See on xii. 12, xvi. 18.

get thee up] Of resort to the Sanctuary, 1 Sam. i. 3, etc., Ps. cxxii. 4.

the place, etc.] See on xii. 5.

9. *unto the priests the Levites*] See on x. 8, xviii. 1. The omission of these words by LXX B is due to careless copying, and in no way supports Steuernagel's analysis of the text into two laws (see introd. note).

unto the judge that shall be in those days] That is of course either the King, as in 2 Sam. xiv. 3, xv. 2 ff., 1 Kgs iii. 16 ff., or some official or officials appointed by him, 2 Sam. xv. 3, and Jer. xxvi., according to which Jeremiah was tried, on the complaint of the priests, by the *sarim*, *lay officers* or *princes*, under the King. The plur. is thus used in xix. 17: *the priests and the judges which shall be in those days.*

inquire] *darash* as in xiii. 14, *q.v.*

shew] Heb. **declare to** or *announce to.*

sentence] Heb. *word.*

10. *tenor*] Heb. *mouth*; see on i. 26, 43, ix. 23.

observe to do] See on v. 1.

11. *law*] Heb. *torah*, usually of the *directions* given by priests in questions of ritual, covers here their decisions in civil cases as well. *Teach*, rather *direct*, is the vb from which *Torah* is derived.

12. *presumptuously*] See on i. 43 and cp. xviii. 20.

unto the priest...or unto the judge] Again no information is given as to how the cases are to be divided between the two. D's sole interest is to accommodate the procedure of law to the fact of the One Altar.

that standeth to minister, etc.] See on x. 8.

away the evil from Israel. And all the people shall hear, and fear, and do no more presumptuously.

When thou art come unto the land which the LORD thy God giveth thee, and shalt possess it, and shalt dwell therein; and shalt say, I will set a king over me, like as all the nations that are round about me; thou shalt in any wise set him king over thee, whom the LORD thy God shall choose: one from among thy brethren shalt thou set king over thee:

put away the evil] See on xiii. 5 (6).

13. *hear, and fear*] xiii. 11 (12).

14—20. OF THE KING.

When Israel elect to have a King like other nations, he must be chosen of God, an Israelite and no foreigner (14 f.). He must not multiply horses, wives nor silver and gold (16 f.). He shall write a copy of the Law and always study it, that he may fear God, with a heart not uplifted above his brethren, to the prolonging of his own and his children's days (18—20). Peculiar to D, and in the Sg address, except in 16 *b* where *unto you* is due to the attraction of the Pl. in the quotation. The obvious references to Solomon and the echo of the prophet's protests against Egyptian alliances confirm the other evidence which D furnishes for a date under the later monarchy.

Some take the law as even later than the body of the Code, because, like xxxi. 9, it represents the whole Law as written and canonical. So e.g. Cornill *Einl.*[3] 25 f. and Berth. who compares *v.* 16 with Ezek. xvii. 15 and considers Zedekiah's reign as probable a date therefore as the Exile. But it is difficult to conceive the original Code with no law of the King; and *v.* 16 may well have been contained in the Law-Book discovered under Josiah. For the relation of this law to the two accounts of the institution of the Kingdom in 1 Sam.—the older sympathetic (ix. 1—x. 16, 27 *b*, xi. 1—11, 15, xiii., xiv.), and the younger hostile (vii. 2—17, viii., x. 17—27*a*, xii.) to the monarchy—see Driver's *Deut.* 212 f. For the Babylonian ideals of a King see Prologue to the Code of Ḫammurabi and further Johns *Bab. & Ass. Laws*, etc., 192 f.

14. *When thou art come*, etc.] Similarly xviii. 9, xxvi. 1; cp. vi. 10, vii. 1.

I will set a king...like as all the nations, etc.] 1 Sam. viii. 5: *make us* (the same verb) *a king to judge us like all the nations.* Cp. 1 Sam. xii. 12, where the example of the Ammonites is given as the motive of Israel's desire, *although Jehovah your God is your King.* Evidently D is doubtful of the advantages of the monarchy. Like so much else in the code this law is a concession to existing facts.

15. *thou shalt in any wise set*] The emphatic Heb. means either *thou mayest certainly*, or *thou shalt only, set.*

thy God shall choose] So of Saul and David, 1 Sam. ix. 15 f., x. 24, xvi. 1, 12, 2 Sam. vi. 21, on which precedents D's law seems based.

one from among thy brethren] a Hebrew, see on xv. 12.

thou mayest not put a foreigner over thee, which is not thy brother. Only he shall not multiply horses to himself, nor 16
cause the people to return to Egypt, to the end that he should multiply horses: forasmuch as the LORD hath said unto you, Ye shall henceforth return no more that way. Neither shall he multiply wives to himself, that his heart 17
turn not away: neither shall he greatly multiply to himself silver and gold. And it shall be, when he sitteth upon the 18
throne of his kingdom, that he shall write him a copy of this law in a book, out of *that which is* before the priests the

thou mayest not put a foreigner, etc.] No such attempt, or temptation, on the part of Israel is recorded; the veto upon it can hardly be intended to cover, or have found its motive in, the nomination of an Israelite king by a foreign power, e.g. Zedekiah. It was this law which caused Agrippa I. to burst into tears as he remembered his Edomite origin. Contrast Cyrus as *the Shepherd* and *the Anointed, of Jehovah*—of course, in relation to Israel ('Isai.' xliv. 28, xlv. 1).

16. *Only*] Heb. *rak*, see on x. 15.

he shall not multiply horses, etc.] On the horse in Israel, see *Jerusalem* I. 324 f. Horses came from N. to S. in W. Asia, probably from Asia Minor. Brought into Egypt by the Hyksos after 1800 B.C. they were never very common there, but the breed was excellent. (W. M. Müller, *E.B.* 'Egypt,' § 9.) By 1600 B.C. they were used in Palestine. Solomon seems to have introduced them into Israel; and they and the chariots for which they were first employed became symbolic of the strength of the N. Kingdom (2 Kgs ii. 12, xiii. 14). The prophets mention horses nearly always with war and foreign subsidies, in which the people were tempted to trust instead of in God. See Am. iv. 10, Hos. i. 7, xiv. 3, Isai. ii. 7, xxxi. 1, 3, Ezek. xvii. 15, of which the last three passages and probably also (because of the parallel) Hos. xiv. 3, identify them with Israel's irreligious confidence in an Egyptian alliance. Hence the clause *nor cause the people to return to Egypt*. This does not mean that individual Hebrews were bartered for Egyptian horses (Steuern.). Like the prophets D is hostile to an Egyptian alliance, of which the clearest token would be subsidies of horses.

the LORD hath said, etc.] Not found in Exod.—Numb. 'It is probable that as in other cases (cf. on i. 22, x. 1—3, 9, xvii. 2) the actual words were still read in some part of the narrative of JE, extant at the time when Deut. was composed' (Driver).

17. *multiply wives...silver and gold*] Solomon notoriously did so. His marriages with foreign princesses were for political ends, but introduced heathen cults into Israel (1 Kgs xi. 1, cp. xvi. 31).

18. *a copy of this law*] Lit. a *duplicate* of what was *before*, or *in charge of, the priests* (xxxi. 9, 26). Here we have the beginning of

19 Levites: and it shall be with him, and he shall read therein
all the days of his life: that he may learn to fear the LORD
his God, to keep all the words of this law and these statutes,
20 to do them: that his heart be not lifted up above his
brethren, and that he turn not aside from the command-
ment, to the right hand, or to the left: to the end that he
may prolong his days in his kingdom, he and his children,
in the midst of Israel.

that confidence in written revelation and the canon which brought so much good and evil to the religious life of Israel. On the mistranslation of this phrase by the LXX in the title they gave to the whole book see Introd. § 1.

19. *it shall be with him*] Josh. i. 8.

that he may learn to fear, etc.] See on iv. 10, xiv. 23.

to keep...to do] See on v. 1.

20. *that his heart*, etc.] Cp. viii. 2. *Turn not aside*, v. 32, *Prolong days*, iv. 40. Cullen (140) thinks that in mentioning *Torah* and *Miṣwah* separately in *vv.* 19, 20 the writer refers to two distinct works. This is by no means clear; he may be using them here as parallel terms.

CH. XVIII. 1—8. OF THE PRIESTS THE LEVITES.

Of the priestly tribe of Levi, who have no land, Jehovah is the inheritance, and they shall live by the offerings to Him (1 f.), which are detailed (3 f.); He chose Levi and his sons as His priests for ever (5). If a rural Levite earnestly desires to come to the One Altar he may there discharge the priestly office and live by it equally with his brother Levites who already minister there (6—8).—Sg. throughout and in D's phraseology; but the unity of the passage has been questioned because of the doublets in *v.* 1 f., the double designation, *the priests the Levites=all the tribe of Levi*, and the parallels with x. 8 f.

In *v.* 1 Steuern. takes as original only *all the tribe of Levi* and attaches it as subject to *vv.* 2 (except the formula, *as he hath spoken*, etc.), 3 f., 6 (except *out of all Israel*), and 8; the rest he regards as secondary. Berth. on the contrary separates *all the tribe of Levi* in *v.* 1, with *vv.* 2 and 5 (in its LXX form), as a quotation from x. 8, first placed here on the margin, and then absorbed into the text. The differences between these theories (and others) show that a reliable analysis is impossible. Steuern.'s reason for considering the standard title, *the priests the Levites*, to be later than Ezekiel (cp. Kennett, *Journal of Theol. Studies*, 1904) is not convincing. The original author of the Code may well have used it and added *all the tribe of Levi* in order to put his meaning beyond doubt. At the same time there are the doublets in *vv.* 1 f., and the striking fact that while the plur. vb in *v.* 1 suits *the priests the Levites*, the sing. pronouns in the Heb. of *v.* 2, *he, his, him*, agree with *all the tribe of Levi*. It is probable, therefore, that this law is another instance of the fusion of two originally distinct laws on the subject.

Whichever analysis be preferred, the substance of this law is unmistakeable. It is not a complete law of the Priesthood, but like so

The priests the Levites, [1]*even* all the tribe of Levi, shall 18
have no portion nor inheritance with Israel: they shall eat
the offerings of the LORD made by fire, and his inheritance.

[1] Or, and

many others in D, is concerned only with the people's duties to its subject, under the new conditions introduced by the centralisation of the worship. It fixes the priest's share of the people's offerings (8 f.) and provides for the dispossessed Levites, when they come to Jerusalem (6—8). Its assertion of the equality of all members of the tribe of Levi in priestly rank and rights (qualified only by the condition that these are valid only at the One Altar) is, as we have seen on x. 8, characteristic of D. It agrees besides with the spirit of the earlier practice in Israel[1]—1 Kgs xii. 31, Ezek. xliv. 10—16; and it proves that the author, or authors, of D's Code were ignorant of this (therefore, probably later) distinction which P makes between the sons of Aaron, as alone priests, and the rest of the tribe, who have not priestly rank and whose revenues are distinct from those of the priests. In P also the revenues of the priests differ from those assigned in D; see above on x. 8 f., and Driver's *Deut.* 218 ff.

1. *The priests the Levites*] This double title, peculiar to D, is found both in the Code, xvii. 9, 18, xxiv. 8 (cp. xxi. 5: *the priests the sons of Levi*) and in xxvii. 9 (edit.?), cp. xxxi. 9. By God's appointment (*v.* 5) all members of the tribe of Levi were priests *de jure*, but in consequence of the law abolishing the rural altars and rendering priestly functions impossible except in the Temple, a member of the tribe while resident in the country is called Levite alone—*the Levite within thy gates*—and can secure the name and the rights of a *priest* only when he removes to Jerusalem (*v.* 6); where however he does not cease to be called *Levite* (*v.* 7). With this distinction *the priests* and *the Levites* are to D synonymous. This is further emphasised by the addition—

all the tribe of Levi] The *and* prefixed by the A.V. and R.V. Marg. is not in the Heb., in which the phrase stands in apposition to *the priests the Levites*. There is therefore no possibility in the interpretation that D intended by Levites 'all other members of the tribe of Levi.' This interpretation is a forced attempt to reconcile D's law with those of P which distinguish between priests and Levites.

no portion nor inheritance with Israel] Cp. x. 9 (*with his brethren*), xii. 12 (*with you*), xiv. 27, 29 (*with thee*), and the deuteronomic Josh. xiii. 14, 33, xviii. 7. The tribe are landless. So in P, Num. xviii. 20, 23 f., xxvi. 62.

they shall eat] *live*, or *subsist*, *by*; cp. Ar. *'ukul* (from the same root) 'means of subsistence.'

the offerings of the LORD made by fire] This expression, an early instance of which occurs in 1 Sam. ii. 28, is found more than 60 times

[1] But at one time in Israel others than sons of the tribe of Levi were admitted to the priesthood and called Levites: see Exod. iv. 14, with Driver's note, and Judg. xvii. 7—13.

2 And they shall have no inheritance among their brethren:
the LORD is their inheritance, as he hath spoken unto them.
3 And this shall be the priests' due from the people, from
them that offer a sacrifice, whether it be ox or sheep, that
they shall give unto the priest the shoulder, and the two
4 cheeks, and the maw. The firstfruits of thy corn, of thy
wine, and of thine oil, and the first of the fleece of thy
5 sheep, shalt thou give him. For the LORD thy God hath
chosen him out of all thy tribes, to stand to minister in the
name of the LORD, him and his sons for ever.

in P and nowhere else (the grammar shows that it is an intrusion. Josh. xiii. 14).

and his inheritance] all other offerings to the Deity, such as are detailed in *v.* 4.

2. As in x. 9: read with Heb. **he, his, him** for *they, their, them* and see introd. to this law.

3. *And this shall be the priests' due*, etc.] Heb. *mishpaṭ*, as in 1 Sam. ii. 13, where render: *and the priests' due from the people.*

from them that offer a sacrifice] Heb. *slay*, or *sacrifice, a sacrifice*, a comprehensive phrase including every victim offered at the Altar where alone sacrifice was valid. This precludes the various theories suggested with the view of reconciling D's law with that of P (see next note), viz. (1) that the law refers not to animals offered at the Temple but to those slain for food at home (xii. 15 f.); (2) that it refers only to the eating of firstlings (xii. 17 f., xv. 20); (3) that it refers to more dues to the priests, additional to those prescribed in P.

the shoulder, and the two cheeks, and the maw] According to 1 Sam. ii. 12—17 the earlier practice had been that the priest's servant with a three-pronged fork took what he could for his master out of the caldron in which the victim was being boiled for the worshippers; and it was regarded as a sinful innovation when the sons of Eli demanded to receive their portions while the flesh was still raw, no doubt in order that they might secure certain definite parts of the animal. This claim the law in D now legalises, naming the pieces of the victim to be given to the priest. P represents a later development, and prescribes still better pieces, the breast and the right thigh (Lev. vii. 31 ff., x. 14 f., Num. xviii. 18). For the gradual increase of the priests' dues and of their other sources of revenue from D onwards, see *Jerusalem*, 1. 354—366.

4. *the firstfruits*] or, it may be, *the best.* Heb. *reshîth*, not *bikkûrim* (xii. 6). See xxvi. 2 f.; cp. E, Exod. xxiii. 19, J, xxxiv. 26, and P, Num. xviii. 12. On *corn, wine* and *oil*, see vii. 13, xii. 17, xiv. 23, xxv. 19—22. The *first* or *best, of the fleece* is mentioned only here.

5. Sam. and some Codd. of LXX read: *to stand before the LORD*

And if a Levite come from any of thy gates out of all 6
Israel, where he sojourneth, and come with all the desire of
his soul unto the place which the LORD shall choose; then 7
he shall minister in the name of the LORD his God, as all
his brethren the Levites do, which stand there before the
LORD. They shall have like portions to eat, beside that 8
which cometh of the sale of his patrimony.

[*thy God*] *to minister* [*unto him*] *and to bless in his name*, as in x. 8 (*q.v.*); and for the *unto this day* of that *v.* some have *all the days*; others read, *he and his sons among the sons of Israel.*

6. *a Levite...from any of thy gates*] any of the tribe who had ministered at any of the rural sanctuaries now disestablished by the concentration of the cultus at Jerusalem. *Thy gates*, see xii. 12. *Out of all Israel*, emphatic addition to the usual phrase.

where he sojourneth] Heb. *is a gēr*, a landless resident, without portion or inheritance. So in Judg. xvii. 7, xix. 1. D knows nothing of the Levitical cities of P, Num. xxxv. 1—8, Josh. xxi.

and come with all the desire of his soul] The construction is uncertain. Some begin the apodosis of this conditional sentence here, *then he may come*, etc. (Steuern., Berth.), which is not probable; others preferably with the beginning of *v.* 7 (EVV., Wellh., Addis, Marti); others not till the beginning of *v.* 8 (Dillm., Driv.). *Desire of his soul*, see xii. 15.

unto the place, etc.] See on xii. 5.

7. *then he shall minister*] See on x. 8. If he comes to the one place at which sacrifice is valid, the rural Levite may discharge the priestly office equally with the Levites who already minister there.

8. *They shall have*] Sam. LXX: *he shall have.*

beside that which cometh of the sale of his patrimony] a paraphrase of the difficult Heb.: *beside his sales*, or realised *values*, or *prices, on the fathers* (LXX, πλὴν τῆς πράσεως τῆς κατὰ πατριάν). EVV.'s paraphrase is generally accepted; cp. Jer. xxxii. 6—15, xxxvii. 12 (R.V.), which shows a priest from a rural sanctuary, who had removed to Jerusalem, possessing money of his own and by right of redemption able to buy land which a relative desired to sell. Dillm., rejecting the usual interpretation as too obvious, proposes 'the money which he realised on such dues as had fallen to him from the families to whom he ministered at his home.' A certain solution of the difficulty is hardly possible. Either we have an abbreviated legal formula the meaning of which is lost, or the text is corrupt. By small emendations, Steuern. ingeniously reads: 'except those who are idolatrous priests and necromancers.' This is agreeable to the spirit of D, guards against an easy abuse of the law and is in harmony with the next law; but it has to be forced out of even the emended syntax.

This law of D, establishing the rural Levites, who come to Jerusalem, in equal rank and privilege with their fellow-tribesmen already ministering there, was not

carried out. 2 Kgs xxiii. 9 states that *the priests of the high places came not up to the altar of Jehovah at Jerusalem but they did eat unleavened bread among their brethren.* Apparently the Jerusalem priests succeeded from the first in keeping off the rural Levites from the priestly function of sacrifice on the ground that the cults which they had served were idolatrous (*high places*); and exclusion from the altar involved of course exclusion from the priest's share of the offerings. That *they ate unleavened bread* (the attempts to emend this text are unsatisfactory) *with their brethren* may imply some peculiar privilege of the priests; yet unleavened bread was not their food alone, and so the phrase more probably means that though shut out from priestly functions the rural Levites were not excommunicated from eating at the Passover, with their brother Levites and other Israelites. Ezekiel (xliv. 10—14) excludes 'Levites' from the priesthood (confined by him to the sons of Zadok) and degrades them to inferior services about the Temple. We have already seen (on x. 8 f.) how this inferiority was confirmed by P.

9—22. Of Prophets in contrast to Diviners, etc.

In the promised land Israel must have nothing to do with the abominations of its peoples (9); with any one passing his children through the fire, or diviner, soothsayer, augur, sorcerer, spell-binder or trafficker with the dead (10 f.), for these are abominations to Jehovah to whom Israel must be utterly loyal (12—14). A prophet shall He raise up from among themselves, to be such a mediator of His word, as in Horeb they had prayed Moses to be; to him shall they hearken (15—19). The prophet who presumes to speak in God's name what He has not spoken, or in the name of other gods, shall die (20). The proof of his falseness shall be the non-fulfilment of his predictions (21 f.).—Sg. throughout except for an insertion in *v.* 15 (see note) and, acc. to Sam. LXX, the last clause of 22. There are no other signs of a diversity of hands. The spirit is thoroughly deuteronomic, the argument compact and consistent.

Marti reads *vv.* 9—13 as belonging to the law of the priests (1—8) and 14—22 as a later addition (so too Cornill), with this further evidence of its secondary character that it introduces Moses in a way unparalleled in the Code, and in 22 gives a one-sided conception of prophecy. But it is most probable that the Code of D, founded on the teaching of the prophets, contained a law of the Prophet in succession to those on Judges, King and Priests; and the emphatic contrast, which the construction of the passage brings out between the native prophet and the foreign diviners (see on 15), is natural and leaves a strong impression of the unity of the whole. Indeed it is easier to argue the secondary character of *vv.* 10—13 (as unnecessary before 14 and as containing the term *perfect* not applied so elsewhere in D but found in P) than that of 14—22. Nor does 22 give so imperfect a view of prophecy as Marti supposes; the resemblance between it and the tests which Jeremiah applied to himself and the false prophets is wonderfully close. Steuern. takes 10—12*a* as an independent law to which an editor has added *vv.* 9 and 12*b*—22*a*, composed by himself with the use of a Pl. narrative (ch. v.) and perhaps an originally separate law on the Prophets. His analysis has more to say for itself than the other but is not convincing. I agree with Berth. that *vv.* 20 ff. may as well be dependent on *vv.* 16 ff. as the converse.

It is significant but not surprising that the Law of the Prophet is peculiar to D and not found in other Codes, which contain, however, prohibitions of the foreign practices here forbidden to Israel, E, Ex. xxii. 18 (17), H, Lev. xviii. 21, xix. 26, 31, xx. 2 ff., 27. It is more important to notice Saul's suppression of those who dealt with ghosts

When thou art come into the land which the LORD thy God 9
giveth thee, thou shalt not learn to do after the abominations
of those nations. There shall not be found with thee any 10
one that maketh his son or his daughter to pass through the
fire, one that useth divination, one that practiseth augury,

(1 Sam. xxviii. 3), and the frequent protests of the prophets, and their appeals to the word of the living God (Isai. ii. 6, viii. 19, Mic. iii. 6 f., v. 12 (11), Jer. xxvii. 9, xxix. 8), for in these we find the real basis of this law of D, as well as the example of its form.

In the Code of Ḫammurabi there are no laws against divination, sorcery or magic. False accusations of laying spells on men are punished, but the ordeal by water is enjoined in one of the two cases mentioned—§§ 1 f.

9. *When thou art come into the land*] Characteristic of the Sg.; cp. ix. 5.

which the LORD *thy God* **is to give** *thee*] Peculiar to D; see on i. 20, iv. 21 f.

learn to do] Only here.

abominations] See on vii. 25, and cp. xii. 31.

10. *There shall not be found with thee*] xvii. 2.

that maketh his son...to pass through the fire] See on xii. 31: the want of a conjunction following this clause (so also Sam. and LXX except in some codd.) is remarkable, and raises a doubt as to the originality of the clause.

On the following terms see W. R. Smith, *Journal of Philology*, XIII. 273 ff., XIV. 113 ff.: 'The Forms of Divination and Magic in Dt xviii. 10, 11'; Wellhausen, *Reste des arab. Heidentums*[2], 135—153; Driver, *Deut.* 223—226; T. W. Davies 'Divination' and 'Magic,' in *E.B.*; F. B. Jevons 'Divination,' Hastings' *D.B.*, to all of which the references below are directed.

one that useth divination] Heb. *kôsem kᵉsamîm*. From its root and certain Ar. forms which = 'to divide' or 'allot,' the vb appears to have meant originally *to divine by the lot* (disputed by Davies, *E.B.* 2900), e.g. by arrows as described in Ezek. xxi. 21 ff. (26 ff.); practised by the Babylonians (Lenormant, *Chald. Magic*, 238 *n.* 2), and Arabs (Korân, v. 4, where it is forbidden; Sale, *Prelimin. Discourse*, Sec. v.). Elsewhere in O.T. it has a wider sense, e.g. 1 Sam. xxviii. 8. LXX here μαντευόμενος μαντείαν.

one that practiseth augury] Better, **soothsayer**. LXX κληδονιζόμενος. Heb. *mᵉʿônen*, which used to be derived from *ʿanan*, 'cloud,' as if *cloud-gazer*, and is by Wellh. supposed to spring from the root-meaning of *ʿanan*, 'to appear' or 'intervene' (cp. Ar. *ʿann*), as if *dealing in phenomena*. But the word is probably onomatopoetic, *humming* or *crooning* (W. R. Smith); cp. Ar. *ghanna*, and Judg. ix. 37, *the oak of the mᵉʿônenîm*, a whispering, oracular tree. Condemned also in Isai. ii. 6, as Philistine, Mic. v. 12, Jer. xxvii. 9.

11 or an enchanter, or a sorcerer, or a charmer, or a consulter
12 with a familiar spirit, or a wizard, or a necromancer. For whosoever doeth these things is an abomination unto the

or an enchanter] Better, **augur** or **observer of omens**. LXX οἰωνιζόμενος. That this is the meaning of the Heb. *m^enaḥash* appears from the story of Balaam, Num. xxiv. 1 (where for *enchantments* read *omens*), from Gen. xliv. 15, of Joseph's divination with his cup (hydromancy; cp. for Babylonia Zimmern in *KAT*³, 533 f., and for the Arabs, Doughty II. 188), the use of the vb in Gen. xxx. 27, 1 Kgs xx. 33, *to observe*, and its meaning in Syriac, 'divination from natural signs.' Others take it as onomatopoetic, 'to hiss,' or connect it with *naḥash*, *serpent*. On divination on the sand, see Doughty I. 162.

or a sorcerer] Heb. *m^ekashsheph*. For this and *k^eshaphîm*, *sorceries*, see Ex. vii. 11, xxii. 18 (17) (E's law against the sorceress, see Dri.'s note), Mic. v. 11, Nah. iii. 4, Jer. xxvii. 9, Mal. iii. 5, 2 Chron. xxxiii. 6 (of Manasseh) and 'Isai.' xlvii. 9, 12, Dan. ii. 2 (both of Babylon). W. R. Smith, comparing the Ar. form, suggests that *k^eshaphîm* were 'herbs or other drugs shredded into a magic brew' (in Mic. v. 12, they are held in the hand); cp. the LXX φάρμακα, 'magical potions.' But the original meaning of the Ar. *kispu* is (Zimmern, Schrader's *KAT*³, 605) spittle or foam from the mouth by which a man might be bewitched; cp. Ḥammurabi, § 2.

11. *a charmer*] With Sam. LXX omit *or*: the name is in apposition to the preceding. Heb. *ḥober ḥeber*, *weaving spells*, *spell-binder*; either of the tying of knots as malignant charms, common among Semites and other races (Campbell Thompson, *Sem. Magic* 162—173, Frazer, *Golden Bough* I. 394 ff.; mentioned in the Korân, Sur. cxiii., 'the mischief of women blowing on knots'; also practised in Europe, cp. the French 'nouer l'éguillette'), or of the weaving of incantations and spells (W. R. Smith), so LXX ἐπαείδων ἐπαοιδήν. In Ps. lviii. 5 (6) of *charming* serpents. For spell-makers in Arabia, see Doughty I. 258, 333, 464 f.

a consulter with **a ghost or familiar spirit**] Heb. *sho'el 'ôb w^eyidd^eonî; 'ôb* was the spirit of a dead person, also applied to the medium, whose body it inhabited, speaking out from this in a chirping, twittering voice (probably imitated from the sound of bats haunting sepulchres), LXX ἐνγαστρίμυθος; see Lev. xx. 27, 1 Sam. xxviii. 3, 7, 9, Isai. viii. 19, xxix. 4, 2 Kgs xxii. 6, xxiii. 24. *Yidd^eonî* means either *instructor* (the form may be causative) or *knower* (cp. Scot. wise = with powers of magic, wise-wife = witch, wise-folk = fairies) or *acquaintance*, *familiar* (W. R. Smith). LXX, τερατοσκόπος.

a necromancer] Heb. *enquirer of*, or *resorter to* (*doresh*, see on *seek*, xii. 5), the dead: a general description of the consulter of ghosts and familiar spirits. With Sam. LXX omit *or*.

12. *abomination*] See *v.* 9.

unto the LORD] Sam. LXX add *thy God*, and LXX B omits this in next clause.

LORD: and because of these abominations the LORD thy God doth drive them out from before thee. Thou shalt be 13
perfect with the LORD thy God. For these nations, which 14
thou shalt possess, hearken unto them that practise augury, and unto diviners: but as for thee, the LORD thy God hath not suffered thee so to do. The LORD thy God will raise 15
up unto thee a prophet from the midst of thee, of thy

doth drive them out] Heb. *is to dispossess them*, see on ix. 5; cp. iv. 38.

13. *perfect*] *blameless*; not elsewhere in D, but twice in P in this moral sense (Gen. vi. 9 of Noah, xvii. 1 required of Abraham as the condition of God granting him His covenant) and frequent in a physical sense, Lev. i. 3, 10, iii. 1, etc. The sense of the incompatibility of magic and necromancy with loyalty to the God of Israel is traceable from at least Saul's time onward, and is very articulate in the great prophets. The instinct was sound. That such practices divert men from the rational and ethical elements of religion and weaken both the judgement and will of those who resort to them is notorious in the history of modern spiritualism. Cp. Luke xvi. 31: *if they hear not Moses and the prophets, neither will they be persuaded, if one rise from the dead.* Let other nations hearken to soothsayers and diviners, God does not grant such to His people (*v.* 14). For them the living word of the living God is the thing! (Isai. viii. 19), to which this law now therefore naturally turns.

15. **A prophet from the midst [of thee] of thy brethren like unto me shall the LORD thy God raise up to thee**] Such is the emphatic order of the original, missed by EVV. *A prophet*—not individual but collective[1], i.e. a succession of prophets, for the whole spirit of the passage is that God shall never fail to speak directly to His people—is placed at the head of the sentence in forcible contrast to the diviners and necromancers just described, a speaker for God as Aaron was spokesman for Moses (J, Ex. iv. 16, vii. 1). Like the king (xvii. 15) he must be an Israelite (Sam., *from the midst of thy brethren*); (LXX B etc. *from thy*, Acts iii. 22, vii. 37, *from your, brethren*); diviners and necromancers were foreign (Isai. ii. 6, Nah. iii. 4, 'Isai.' xlvii. 9, 12). *Like unto me*, i.e. (as the next *v.* shows) in being the mediator of God; the phrase does not imply equality in rank with Moses; according to

[1] Cp. the use of the sing. *king* in xvii. 14 ff., and *judge* in Judg. ii. 18. '*A Prophet* is used by *enallage* for a number of prophets. Moses is here treating of the continual manner of the Church's government. Not at all more correct is their opinion who apply it strictly to Christ alone, for it is well to bear in mind what I have said respecting God's intention, viz. that no excuse should be left for the Jews, if they turned aside to familiar spirits or magicians, since God would never leave them without prophets and teachers. But if He had referred them to Christ alone, the objection would naturally arise that it was hard for them to have neither prophets nor revelations for two thousand years.' (Calvin.)

16 brethren, like unto me; unto him ye shall hearken; according to all that thou desiredst of the LORD thy God in Horeb in the day of the assembly, saying, Let me not hear again the voice of the LORD my God, neither let me see this
17 great fire any more, that I die not. And the LORD said unto me, They have well said that which they have spoken.
18 I will raise them up a prophet from among their brethren, like unto thee; and I will put my words in his mouth, and he shall speak unto them all that I shall command him.
19 And it shall come to pass, that whosoever will not hearken unto my words which he shall speak in my name, I will
20 require it of him. But the prophet, which shall speak a word presumptuously in my name, which I have not commanded him to speak, or that shall speak in the name of
21 other gods, that same prophet shall die. And if thou say in thine heart, How shall we know the word which the LORD
22 hath not spoken? When a prophet speaketh in the name

xxxiv. 10, *there hath not arisen a prophet since in Israel like unto Moses, whom the* LORD *knew face to face*, cp. Num. xii. 6—8.

16, 17. See on v. 22 (*assembly*), 25, 27 f. Cullen (pp. 143 ff.) denies the dependence of *vv.* 15, 16 on v. 19—28.

18. *I will raise...like unto thee*] These words are not in v. 25 ff.

put my words in his mouth] Cp. v. 31, Jer. i. 9, v. 14.

19. *whosoever will not hearken...I will require it of him*] Cp. the confidence of Jeremiah, xxvi. 12—15, xxix. 8 f., 18 ff. (the punishment exacted for not hearkening to God's word), xxxv. 13 ff. LXX B omits *my words*; Sam. LXX most codd. *his words*. *Require*, *darash*, xxiii. 21 (22).

20. *the prophet*, etc.] These special cases prove that throughout this passage no single prophet but a succession of prophets is meant.

which shall speak presumptuously, etc.] Heb. *who shall be presumptuous* (xvii. 12, see on i. 43) *to speak a word*, etc. It is notorious how many such 'prophets' appeared in Israel both before and during the seventh century (see Jeremiah *passim*). On the rest of the *v.* see on xiii. 1—5.

21. *if thou say in thine heart*] viii. 17.

22. The falseness of such a prophet is exposed by the non-fulfilment of his predictions. Jeremiah states the converse: if any prophet prophesy peace (which in the seventh century the false prophets usually did) *and his word come to pass, then shall the prophet be known that the* LORD *hath truly sent him* (Jer. xxviii. 9).

It is true that 'this test is explicitly rejected for the prophets of other gods (xiii. 1—5); nor is the higher Hebrew prophecy nearly so much *predictive* as *interpretative*' (Wheeler Robinson *in loco*). Yet we must remember that though the

of the LORD, if the thing follow not, nor come to pass, that is the thing which the LORD hath not spoken: the prophet hath spoken it presumptuously, thou shalt not be afraid of him.

main burden of the prophets consisted of truths of morality and religion (the unity and righteousness of God and the ethical character of His demands) they were also concerned with the vindication of these in the actual experience of the people. To them truth was never merely abstract, they looked for its fulfilment by God in history. Prof. A. B. Davidson once said to the present writer: 'The prophets were terribly one-idea'd men. Yet their one idea was the greatest of all, that God was going to do something.' So Amos iii. 4–8. The two most spiritual of the prophets staked their credit as the bearers of God's word on certain historical issues. Isaiah was sure of the inviolableness of Jerusalem and the survival of a remnant of the people (on this see *Rev. of Theol. & Phil.* III. 7 by the present writer in answer to Guthe's *Jesaia* in *Religionsgeschichtliche Volksbücher*); and Jeremiah was content to wait on events for the decision whether he or Hananiah had the word of the Lord (Jer. xxviii. esp. 11*b*, see Duhm's fine remarks on this chapter in the *Kurzer Hand-Commentar*). Again after reporting *the word of the LORD*, that his uncle should come to him asking him to buy his field, he adds when the uncle came and did so, *then knew I that this was the word of the LORD* (xxxii. 6 ff.). Of course, behind all this was the faith that God had a future for Israel in the land, though the Babylonians had overrun it and Jerusalem must fall to them. If then Jeremiah himself so much depended for the proof of his message upon the issue of events, we cannot be surprised that D proposes to the popular mind the same test of a prophet's word.—Though beyond our immediate subject we may note that the word of the Lord by the true prophet was not always fulfilled. This is explained in Jer. xviii. and Jonah iv. as due to a change in the moral situation. Such, however, is not a full explanation. Sometimes, as in the case of the non-fulfilment of Jeremiah's own early predictions about the Scythians, and his slow arrival (only after the battle of Carchemish) at the conviction that Babylon was to be the executioner of God's judgements on Israel, the change in the prophet's word was due to altered *political* circumstances.

III. THIRD DIVISION OF THE LAWS. OF CRIME, WAR, PROPERTY, THE FAMILY, AND EQUITY. xix.—xxv.

Over 50 laws on all these relations and duties of the ordinary citizen. This division of the Code is distinguished from the two previous, (1) by being uninfluenced—except in the case of the first law, on the Cities of Refuge, and perhaps also in xxi. 1–9, xxiii. 15 f.—by the centralisation of the Cultus; (2) by a less orderly arrangement; and (3) by the appearance of new terms and ideas such as *the elders* (explicable by the fact that the subjects of these laws are not new institutions consequent on the centralisation of the cultus but older local customs and organisation), *the house of the LORD*, *the assembly of the LORD*, etc. But we find prevailing the same deuteronomic language and style, the same proofs of compilation from earlier codes (doublets, traces of fusion, etc.) and the same signs of editorial expansion. The principle of grouping laws according to the relation to their subjects is sometimes observed but frequently departed from. The only other explanation of the order followed is the presence of corresponding catch-words at the end and beginning of consecutive laws. See below.

19 When the LORD thy God shall cut off the nations, whose land the LORD thy God giveth thee, and thou succeedest
2 them, and dwellest in their cities, and in their houses; thou

CH. XIX. 1—13. OF THE CITIES OF REFUGE.

Israel shall set apart three of the cities of the land (1 f.)—to be selected after their position is taken into account and the land divided into three parts—so that *every* manslayer may have the chance of asylum (3). And (*a*) this is the case of the manslayer who by flight there shall secure his life: viz. if he has slain his *neighbour* accidentally, as e.g. when they were hewing wood (4—6). Therefore three cities (7). But if God enlarge Israel's land three more shall be added so that no innocent blood be shed (8—10). But (*b*) the wilful murderer who flees to one of these cities shall be brought thence by the elders of his commune and delivered to the avenger, that the guilt be removed from Israel (11—13).—In the Sg. throughout and with many phrases of D. Yet there are signs of compilation. As in xv. 2 ff. an earlier law seems to be quoted, for, as there, *neighbour* is used instead of *brother* which is usual in Sg. passages.

Stade (*Gesch.* I. 664, *n.* 3), Berth. and Marti take *vv.* 8—10 as later than the rest of the law, on the ground that it breaks the connection between the two cases of manslaughter, (*a*) the innocent, and (*b*) the wilful. This is not at all certain. The provision of three more cities, 8—10, comes naturally after the case of the innocent slayer in whose interest it is made, as *v.* 10 points out; and it may well be from the same hand as 4 ff. Nor is there reason for supposing (with Steuern.) that *vv.* 11—13 are from another hand than 3*b* ff., for 3*b* says that the cities are for *every* manslayer, therefore for the guilty (11—13) as well as for the innocent (4 ff.), that all alike may have a fair trial; and both 4 ff. and 11 use the term *neighbour*. The position of 8—10 and the order of the whole passage are thus quite logical. At the same time 8—10 have been expanded by some standard formulas (see notes) and others appear in *vv.* 1—3, 13. It is remarkable how unnecessary these phrases of D are, and how when they are removed, there is left (as in other cases) a law, compact, consistent, and so far sufficient. It is, of course, impossible to say whether the law had originally none of these phrases, and therefore no reference to Moses or Israel's standpoint before entering the land. But it yields these certain signs of its origin. It is a consequence of D's centralisation of the cultus, and is therefore later than E whose law, Ex. xxi. 12—14, recognises every altar of Jehovah as an asylum, cp. 1 Kgs i. 50, ii. 28 f. Also the mitigation of the violence of the vendetta agrees with the equity and humanity that pervade D's Code. Like other laws of D this does not abolish but qualifies the earlier procedure. The avenger is not superseded, but remains the executioner of the wilful murderer of his kinsman, only he cannot perform this family duty till the public authorities have delivered the murderer to him. Again, the law was drawn when Israel's territory was still small (*vv.* 3, 8) therefore hardly in the reign of Solomon, to which some scholars assign the Bk. of Deut. On the relation of D's law to the corresponding laws and other passages in P, and to the fragment above, iv. 41—43, see notes on the latter.

1—3 contain several formulas. On *shall cut off*, etc., see xii. 29; on *whose land the LORD thy God* is to give *thee* and *giveth thee to possess it*, see xviii. 9; on *succeed* (dispossess), see xii. 29; on *causeth thee to inherit*, see i. 38.

shalt separate three cities for thee in the midst of thy land,
which the LORD thy God giveth thee to possess it. Thou 3
shalt prepare thee the way, and divide the borders of thy
land, which the LORD thy God causeth thee to inherit, into
three parts, that every manslayer may flee thither. And 4
this is the case of the manslayer, which shall flee thither
and live: whoso killeth his neighbour unawares, and hated
him not in time past; as when a man goeth into the forest 5
with his neighbour to hew wood, and his hand fetcheth a
stroke with the axe to cut down the tree, and the [1]head
slippeth from [2]the helve, and lighteth upon his neighbour,

[1] Heb. *iron.* [2] Or, *the tree*

2. *separate*] **set apart,** iv. 41.

3. *prepare thee the way*] Usually taken as making the road open and firm. But (though Steuern.'s objection to this meaning, that such preparation would give equal advantage to the pursuer with the pursued, is hypercritical) this has no relevance to the rest of the *v.*, as the older translators already saw and gave it another sense: LXX στόχασαι σοι, 'reckon,' or 'guess,' O.L. *aestimare.* Steuern. renders *measure the distance.* Better *fix*, or *make sure of, the direction* (in which the cities lie), *and divide the area of thy land into three.*

every manslayer] The general term, iv. 42.

4. *And this is the case of*] See note on xv. 2, and the introd. to this law.

whoso **smiteth** *his neighbour unawares...time past*] See iv. 42, which has *slayeth* for *smiteth.*

5. *as when a man goeth*] Heb. *and who goeth*, continuing the construction of the previous clause; but EVV.'s rendering is possible by a slight emendation of the Heb.

forest] As in most instances in which forest is used by EVV., the term misleads. Heb. *ya'ar* was one antithesis to fertile or cultivated land (Isai. xxix. 7) and, as evident from the conditions of Palestine to-day as well as those reflected in the O.T. (*HGHL*, 80 f., *Jerus.* I. 78, 305), must usually have meant *copse* or *jungle* or, at the most, *woodland.* The Ar. *wa'ar* is 'rocky ground,' whether with or without bush.

and his hand fetcheth a stroke] Heb. *is driven*, or *lets drive, with the axe.*

helve] R.V. marg., *tree*; which offers the alternative meaning, that the edge of the axe slipped aside from the tree which it struck. But Heb. *'ēṣ*, which = both *tree* (as in the previous clause) and piece of *wood*, means here the latter, and the vb is to be translated *slippeth off from* (Ex. iii. 5, Josh. v. 15 of the sandal from the foot; cp. Deut. vii. 1, 22, xxviii. 40). LXX *falleth off* (probably reading *naphal* for *nashal*, cp.

that he die; he shall flee unto one of these cities and live:
6 lest the avenger of blood pursue the manslayer, while his heart is hot, and overtake him, because the way is long, and smite him mortally; whereas he was not worthy of death,
7 inasmuch as he hated him not in time past. Wherefore I command thee, saying, Thou shalt separate three cities for
8 thee. And if the LORD thy God enlarge thy border, as he hath sworn unto thy fathers, and give thee all the land
9 which he promised to give unto thy fathers; if thou shalt keep all this commandment to do it, which I command thee this day, to love the LORD thy God, and to walk ever in his ways; then shalt thou add three cities more for thee, beside

2 Kgs vi. 5). 'One sees exactly how the law grows out of the actual relations of everyday life' (Berth.).

he shall flee unto one of these cities and live] Josh. xx. 4 (a deuteron. addition to P's law) says that he shall first, at the gate, state his case to the elders.

6. *avenger of blood*] Heb. *go'el haddām* (2 Sam. xiv. 11, Num. xxxv. 19—27, Josh. xx. 3, 5, 9). The consuetudinary law of the vendetta is not abrogated, but persists so far as the nearest, or other, kinsman of the slain still takes the duty of punishing the slayer. See *v.* 22 and Add. note.

while his heart is hot] and he cannot discriminate between accidental and wilful murder. It was doubtless to avoid the same unjust passion that the right of sanctuary arose among the nomad Arabs.

because the way is long] to the One Altar, xiv. 24; cp. xii. 21.

mortally] Heb. *to*, or *as to, the life* (*nephesh*), *v.* 11; cp. xxii. 26.

whereas, etc.] Heb. *there being no case of death to* (against) *him* (a circumstantial clause); cp. xxi. 22, xxii. 26.

7. *Wherefore I command thee*] Cp. xv. 11.

8. *enlarge thy border*] See on xii. 20, and the introd. to this law.

as he hath sworn, etc.] See on i. 8.

and give thee...thy fathers] Redundant after previous clause, and (though confirmed by LXX B and other Codd.) probably not original, Luc. omits. The readings here differ much in the versions and their Codd. shewing how readily scribes altered and expanded the text.

9. A parenthesis, being the condition of the promise in *v.* 8.

if thou shalt keep all this commandment, etc.] LXX B, etc., *hear all these commandments*. Cullen, p. 141, takes this passage as an actual quotation from xi. 22. On the formula, *keep...to do*, see iv. 6, v. 1.

to love...in his ways) These phrases (cp. vi. 5, x. 12) some LXX Codd. and Luc. omit.

then shalt thou add three cities more] is the apodosis to 8*a*; all

these three: that [1]innocent blood be not shed in the midst 10
of thy land, which the LORD thy God giveth thee for an
inheritance, and so blood be upon thee. But if any man 11
hate his neighbour, and lie in wait for him, and rise up
against him, and smite him mortally that he die; and he
flee into one of these cities: then the elders of his city shall 12
send and fetch him thence, and deliver him into the hand
of the avenger of blood, that he may die. Thine eye shall 13
not pity him, but thou shalt put away [2]the innocent blood
from Israel, that it may go well with thee.

[1] Or, *the blood of an innocent man* [2] Or, *the blood of the innocent*

between consists of such formulas as later scribes were fond of inserting, and the evidence of the versions goes to show that they are not original.

10. *that innocent blood be not shed*] Cp. xxi. 8, xxvii. 25: here the blood of an innocent slayer.

which...for an inheritance] Another standard phrase, om. by Luc., and some LXX Codd.

and so blood be upon thee] Upon the nation as a whole, on the principle of ethical solidarity so often illustrated in D. For the idiom, cp. 2 Sam. xvi. 8; for the synon. *blood in the midst of Israel*, see xxi. 8.

11. *But if any man hate his neighbour*, etc.] The wilful murderer must not escape through the provision of protection for the innocent slayer.

and lie in wait] Cp. E, Ex. xxi. 14. For *mortally* see *v.* 6.

12. *the elders of his city*, etc.] It is not said who are to judge if wilful murder has been committed (for this see Josh. xx. 4—9), but the elders of the murderer's town are responsible for his delivery into the hands of the avenger; it is assumed that they are satisfied as to his guilt. The control of the old custom—in which the punishment of a murderer was a family duty—is in the hands of the public authorities. This is not without analogies among the Semitic nomads (Musil, *Ethn. Ber.* 361 ff.). *Elders* also appear in xxi. 2 ff, 6, 19 f., xxii. 15—18, xxv. 7—9, with judicial or executive functions. On their relations to the *judges* see on xvi. 18. Doughty (II. 368) mentions a case of murder at Aneyza, where the father was commanded by the Emir and elders to slay the murderess and declined, whereupon she was executed by the public authorities.

13. Only by such action on the part of the local authorities and the kinsmen of the murdered man can the guilt of the crime be removed from the whole nation. To this extent the ancient custom of the vendetta is recognised as part of the theocratic system.

thou shalt put away] See on xiii. 5 (6).

that it may go well with thee] Another recurrent phrase; iv. 40, v. 16, 29, etc.

Additional Note: The Vendetta, 'the one element of jurisprudence in the wild life of the desert,' springs from the simple principle of blood for blood, still valid in the law of Israel, Gen. ix. 6. Its moral effects are twofold and contrary. On the one hand it is a restraint upon manslaughter, the possibilities of vengeance which it lets loose engendering reluctance to take life except in self-defence. On the other, when once a man has been slain, there is no chance of a fair trial for the slayer; though his deed may have been an accident he may have to atone for it with his life; while the excitement of whole families and tribes to avenge it is a fertile source of disorder and of war, which may last and has lasted for a century. The duty of the vendetta extends sometimes to the third sometimes to the fifth degree of kinship, but among the Sinai Arabs to the sixth from the grandfather down (Jennings Bramley, *PEFQ* 1907, 135). Hence even in the wildest parts of Arabia there arose the right of sanctuary in any tent from which it was claimed, and the respite was used for the investigation of the case, and even in cases of wilful murder for the arrangement of some compromise—financial or otherwise—between the slayer and the kinsmen of the slain. In these negotiations the tribal authorities would often intervene. But even this has been found insufficient to secure order and justice, and wherever a central authority has been established among the Arabs one of its first efforts has been to control and regulate, or even to abolish, the vendetta. For modern examples—the Wahabees, Mohammed 'Ali, the Russians in the Caucasus and the Sublime Porte—see Von Oppenheim, *Vom Mittelmeer zum Pers. Golf.* Similarly in Israel. The earlier law (as we have seen) gave sanctuary at every altar of Jehovah. When only the One Altar remained the opportunity came to modify the whole consuetudinary law; the vendetta was not abolished but controlled by the rights of sanctuary in certain accessible cities and by the interference of the local authorities. These provisions, apparently first made by D and elaborated in P, secured a fair trial and the acquittal of the innocent slayer; but they do not allow any such compromise, financial or otherwise, as frequently takes place among the Arabs between the wilful murderer and the kinsmen of his victim. In Israel the wilful murderer must die. Such distinctions of Israel's system from the customs of her Semitic neighbours, involving as they do both a greater humanity in one direction and a greater severity in the other, are of the highest ethical interest.

14. Against Removing Boundary Stones.

In the Sg. address, but as in *vv.* 4 f., 11 and xv. 2, *q.v.*, with *neighbour* instead of *brother*, usual in Sg. passages; and followed by a deuteronomic formula. It is significant that the formula is not only separable from the law proper (as in the previous law) but contradicts it. For while the law betrays its date as subsequent to Israel's settlement in the land—and with this agree the facts that there is no parallel in the earlier codes and that protests against removing boundary-stones appear in the prophets and later books (Isai. v. 8, Hos. v. 10, Prov. xxii. 28, xxiii. 10, Job xxiv. 2)—the closing formula adopts the standpoint of Moses, *the land which the* LORD *is to give thee.* Clearly, therefore, the law has been adopted from some other source into D's Code—cp. the Decalogue—but there is nothing to show whether this incorporation was due to the authors of the Code or to editors.

It is difficult to explain the position of the law just here. Steuern. and Berth. attribute this to its use of the term *gĕbul, boundary*, used also in the previous law (*v.* 3*a*, yet with a different meaning from here); the former thinking that in its original form the law was entered on the margin and thence taken into the text by the compiler of the Code, the latter that it may have formed part of the original Code. Notice rather that both laws besides being in the Sg. address use the term *neighbour*, and were therefore probably from the same source. Dillm. points out

Thou shalt not remove thy neighbour's landmark, which 14
they of old time have set, in thine inheritance which thou
shalt inherit, in the land that the LORD thy God giveth thee
to possess it.

that in this ch. murder, theft and false-witness appear in the same order as in the Decalogue, and Dri. compares xxvii. 17 ff.

Other nations expressed the same reverence for the sacredness of boundaries, in similar laws, or protests, against their removal. For the Greeks see Plato, *Legg.* VIII. 842 E. for the Romans Dion. Hal. II. 74, Plutarch, *Numa* 16. For the settled Semites cp. the border-stones of fields which are among the oldest Babyl. monuments; bearing dedications to the gods 'they were regarded as sacred and great importance was attached to their preservation. The Kings taxed their powers of cursing [cp. xxvii. 17] in order to terrify men from removing their neighbours' landmarks' (Johns, *Babyl. and Assyr. Laws*, etc., 197 f.). For other Semites cp. Clay Trumbull, *Threshold Covenant* 166, Musil, *Ethn. Ber.* 87, Doughty I. 163. No such Israelite stones have been found, but M. Clermont-Ganneau discovered the boundary inscriptions of the town of Gezer ('at or near the 1st Cent. B.C.') bearing the term *t^{e}hum*, the later Heb. for *g^{e}bul* (*Arch. Res.* II. 26 ff., 270 ff.). For modern Palestine see Baldensperger, *PEFQ* 1906, 194.

14. *remove*] Lit. so: *re-move*, *move back*, so as to make one's own field larger.

landmark] Heb. *g^{e}bul*, applied both to the border-line whether of private fields (here, and in E, Josh. xxiv. 30, cp. texts cited above) or of urban ('Is.' liv. 12) or tribal (ii. 18, iii. 16) territories: as well as to the area enclosed by the border (*vv.* 3, 8, ii. 4, xxviii. 40).

they of old time] Heb. *rîshônîm*, *the former* generations, *the forefathers*: LXX B etc., πατέρες σου; A etc., πρότεροί σου.

in thine inheritance which thou **inheritest**] Part of the law proper: the portion of ground (LXX κληρονομία) that passes from one generation of a family to another.

in the land which the LORD thy God **is to give** *thee*, etc.] the frequent deuteronomic formula, iv. 40, v. 31, xii. 1, xvii. 14, xxi. 1, xxv. 19; and in shorter form, xv. 7, xviii. 9, xxv. 15, xxvii. 2, xxviii. 8.

15—21. OF WITNESSES.

Two or three witnesses are necessary for a conviction (15). If a witness, forcing his evidence, accuse a man of defection from the law, the two shall stand before God in the supreme court (16 f.), the judges shall investigate, and if the witness be found false, he shall have done to him what he devised for his brother; so shall evil be removed from Israel (18 f.) and others take warning (20); ruthlessly shall like for like be exacted (21).—Sg. (except for one slip into the Pl. in *v.* 19) with the use of the term *brother* and other terms usual in Sg. passages. There are no deuteronomic formulas beyond the legal ones.

On the subject of this law cp. E, Ex. xxiii. 1, Ex. xx. 16, Dt. v. 20 (the 9th commandment), and other passages cited below. By the Code of Ḥammurabi §§ 3 f., false evidence is punished on the same principle of like for like as here, *v.* 19. In Arabia at least two witnesses are necessary; if their charge is not brought home they must flee from the vengeance of the accused's relatives, with whom however they may come to an arrangement (Musil, *Ethn. Ber.* 337).

15 One witness shall not rise up against a man for any iniquity,
or for any sin, in any sin that he sinneth: at the mouth of
two witnesses, or at the mouth of three witnesses, shall a
16 matter be established. If an unrighteous witness rise up
against any man to testify against him of [1]wrong doing;
17 then both the men, between whom the controversy is, shall
stand before the LORD, before the priests and the judges
18 which shall be in those days; and the judges shall make

[1] Or, *rebellion* See ch. xiii. 5.

15. By xvii. 6 (cp. P, Num. xxxv. 30), a man may not be put to death save on the evidence of more than one witness. Here the same is enforced for all cases.

One witness shall not rise up] Or, *stand*, that is, of course, as a valid effectual witness; the vb is the same as at the end of the *v.*, *shall a matter be established*. But in the next *v. rise up* simply means *appear*, *offer himself*.

in any sin that he sinneth] Luc. omits.

16. **But** *if*] So Sam. LXX.

unrighteous witness] Heb. *witness of violence*. So E, Ex. xxiii. 1, and Ps. xxxv. 11, apparently one who *forces* his evidence, does *violence* to the truth or intends *violence* to his neighbour. Driver renders *malicious*, 'meditates some covert violence himself or assists by false testimony the high-handed wrong doer.' Marti 'with whom might goes before right.' In any case the description is proleptic, his character is not decided till he is taken before the judges.

rise up] See on previous *v.* In this simpler sense in other Sg. passages; see on xiii. 1.

to testify against him] Same vb as in v. 20 (17).

wrong doing] Heb. *sarah* same as *rebellion*, xiii. 5 (6) R.V. (cp. xvii. 17), but while there it means apostacy from Jehovah here it is wider, any delinquency or defection from the law.

17. *shall stand before the LORD, before the priests and the judges*, etc.] That is in the supreme court to be instituted at the One Altar, xvii. 9. The construction is awkward and betrays expansion. Steuern. and Berth. and Marti take *before the judges* as alone original, as these only are mentioned in the next *v.*, and understand the reference to be, not to the supreme court but to the newly instituted judges of xvi. 18. But it is quite as probable that *before the LORD* was all that the original text of the law contained, and that the rest was added from xvii. 9 by an editor. This is just one of the difficult cases, which in more primitive conditions were referred to some representative of the Deity and which, on the institution of the supreme court at Jerusalem, Israel was directed to take there (cp. xvii. 8, *between plea and plea*, the same Heb. term as is here rendered *controversy*).

18. *shall make diligent inquisition*] See xiii. 14 (15), xvii. 4, 9; Sg.

diligent inquisition: and, behold, if the witness be a false witness, and hath testified falsely against his brother; then 19 shall ye do unto him, as he had thought to do unto his brother: so shalt thou put away the evil from the midst of thee. And those which remain shall hear, and fear, and 20 shall henceforth commit no more any such evil in the midst of thee. And thine eye shall not pity; life *shall go* for life, 21 eye for eye, tooth for tooth, hand for hand, foot for foot.

false, falsely] Heb. *sheḳer*: so in Ex. xx. 16, but v. 20 has *shav, vain*.

brother] here and next *v.*: the usual term in Sg. passages for *fellow-Israelite*.

19. *shall ye do*] the only Pl. in the passage, confirmed by Sam. LXX; either a clerical error or an instance of the possibility of a writer slipping from one form of address into the other. Read **shalt thou**.

thought] Heb. *zamam*, **devised**.

so shalt thou put away] Frequent in this Code, see on xiii. 5 (6).

20. *those which remain*, etc.] A curious parallel to xiii. 11 (12).

21. *thine eye shall not pity*] See on *v.* 13, vii. 16.

life for life, etc.] The *jus talionis*, more fully in E, Ex. xxi. 24 f.; cp. H, Lev. xxiv. 18, 20. Very frequently in the Code of Hammurabi. See further Driver's note on Ex. xxi. 25.

Ch. XX. Of War—Three Laws.

These laws, 1—9, 10—18, 19 f., separate xix. from xxi. 1—9 (both of manslaughter) and are in phrase and substance akin to xxi. 10—14 and xxiii. 9—14, cp. xxiv. 5. All are in the Sg. address, have similar introductions, and, while some breathe the humane spirit prevalent in D's code, all work on the same primitive beliefs in the sacredness of war and the consequent need of eliminating from the army, from its treatment of captives and from the spoil and the camps, all that might incur the wrath of either a people's god or some other supernatural power. Like other groups in the Code they are not an exhaustive treatment of their subject; they contain nothing as to the rites due on starting a campaign, or the place of the king in the host, or the materials or moneys to be levied, or the mercenary soldiers, who from David's time onwards were an organised part of Israel's forces.

As we saw on the *herem*, ii. 34, War was to the settled Semites a religious process. A people's army was led by their god and a campaign conducted throughout as a sacrament; cp. the Moabite Stone, the Assyr. and Babyl. inscriptions and Ezek. xxi. 21 f. Israel's God was *Jehovah of Hosts*, a name earlier than the prophets' cosmical use of it and signifying originally God of the armies of Israel (*Bk of the Twelve Prophets* I. 57, *n.* 1), *a man of war* (Ex. xv. 3, cp. xiv. 14, Ps. xxiv. 8); and the symbol of His Presence the Ark went with the army to battle

(1 Sa. iv. 3 f., xiv. 18, 2 Sa. xi. 11). A campaign was opened with burnt-offerings and enquiry was made of the Deity, with the consequent presence of priests (Ju. vi. 20, 26, xx. 26, 1 Sa. iv. 3 f., vii. 9, xiii. 10 ff., xiv. 18 f., xxiii. 4, 6, 9. xxx. 7 ff.). To *prepare war* (EVV.) is literally to *consecrate* it (Mi. iii. 5, Jer. vi. 4, Joel iii. (iv.) 9; armies were consecrated for war (Jer. xxii. 7, li. 27 f., 'Is.' xiii. 3) and the individual soldiers kept themselves from ritual uncleanness (1 Sa. xxi. 5, 2 Sa. xi. 6 f.). as among the Arabs (W. R. Smith, *Rel. Sem.*[2] 455), while those who had not completed propitiatory or other rites involved by other relations or occupations were ruled out of the ranks (xx. 5 ff.). Contact with foreign captives or spoil, devoted as these had been to other deities, involved danger which was only averted by drastic rites such as we have seen in connection with the *herem*. In the warfare of some nomad Semites there is an almost entire absence of religious acts (see Dissard's sketch of the tribe of 'Amr, *Revue Biblique* 1905, No. 3). But the holy man of the tribe is consulted as to the proper day for commencing war and may thus by his wisdom avert it (Jennings-Bramley *PEFQ* 1907. 280). The 'Higā,' the poem frequently delivered on their outset to battle, was probably developed from the solemn curses which poets were called upon (like Balaam) to pronounce upon the foe (Goldziher, *Abhandlungen z. Ar. Philologie* I. (1896), 1—121; Jacob, *Altar. Beduinenleben*, 202). See further O. C. Whitehouse, art. 'War' in *E.B.*, Nowack and Benzinger's works on Heb. Archaeology, Schwally, *Semit. Kriegsalterthumer* (rich in material but with many unsatisfactory inferences); and ch. xix. of Johns' *Bab. and Assyr. Laws*, etc.—Cp. the belief of the Puritans: 'Times of War should be times of Reformation' (M. Henry).

In these laws of D religion is seen sometimes mitigating and sometimes enhancing the ferocity of War.

1—9. Of War and Exemptions from Service in it.

When Israel goes to war with a foe more numerous and having horses and chariots they shall not fear; Jehovah is with them (1). On the eve of the campaign a priest shall exhort the people (2—4). Officers shall discharge every man who has built a house and not dedicated it (5), or planted a vineyard but not completed the rites opening its fruits to common use (6), or betrothed a wife but not taken her (7); and all who are faint-hearted (8). This done captains shall be appointed (9).—In the Sg. address except for 2*a*, where, however, LXX has Sg. and the Heb. Pl. is due to the attraction of the vbs in the priest's speech to the ranks, in which the Pl. address is natural.

Thus Steuern.'s allotment of this part to his Pl. author loses one of its reasons. His other, the use in *v.* 2 of *the people* instead of *Israel*, common in Sg. passages, is not relevant to a quotation which besides has not the usual Pl. phrase for *fearing* (see on i. 29); while his suggestion that *v.* 1 is borrowed from xxi. 10, xxiii. 9 (10), and vii. 17 and so editorial, is ungrounded. It is more natural to take *vv.* 2—4 as secondary (so Berth. and Marti) because of the Plurals, because they repeat *v.* 1, and because *the priest* appears in them alone (Berth.: from a time when there was no king but a high-priest in Israel). Yet even this is doubtful; for (as we have seen) the Pl. in *v.* 2*a* is accidental, while the presence of a priest at the opening of a campaign, attended by sacrifices and oracles, was to be expected, and is confirmed for the time of the Judges and early Monarchy by such passages as Ju. xx. 26, 1 Sa. iv. 3 f., xiv. 18 f., etc.

I see, therefore, no reason for doubting the unity and originality of the whole passage.

Exemptions from war-service are granted by most Asiatic powers, but their range varies much from time to time. In Palestine the Turks used to let an only son

When thou goest forth to battle against thine enemies, 20
and seest horses, and chariots, *and* a people more than
thou, thou shalt not be afraid of them: for the LORD thy
God is with thee, which brought thee up out of the land of
Egypt. And it shall be, when ye draw nigh unto the battle, 2
that the priest shall approach and speak unto the people,
and shall say unto them, Hear, O Israel, ye draw nigh this 3
day unto battle against your enemies: let not your heart
faint; fear not, nor tremble, neither be ye affrighted at
them; for the LORD your God is he that goeth with you, to 4
fight for you against your enemies, to save you. And the 5
officers shall speak unto the people, saying, What man is
there that hath built a new house, and hath not dedicated

and widows' sons go free, and for a time every married man. Later service was obligatory upon all except Christians and the tent-dwelling Arabs (Baldensperger *PEFQ*, 1906, 18). Recently Christians have been obliged to serve.

1. *When thou goest forth to* **war**, etc.] So xxi. 10, cp. xxiii. 9 (10). On *go forth* see xiii. 13 (14). *Enemies*, so Sam. LXX; Heb. *enemy* (but collective).

and seest horses, and chariots] Foreign to early Israel, see on xvii. 16, Josh. xvii. 16, Judg. i. 19, iv. 3.

and *a people more than thou, thou shalt not*, etc.] So Sam. LXX, Heb. omits *and*. On the rest see vii. 17 ff.

the LORD *thy God is with thee*] Cp. 1, 30, 42, vii. 21, Isai. vii. 14, viii. 8.

which brought thee up] instead of the usual *brought thee forth*, vii. 19, etc. Was it on the strength of this verse that Josiah adventured on his fatal encounter with Pharaoh-Necoh in 612 B.C.?

2. *when ye draw nigh*] LXX **thou drawest** *nigh*: see introd. note.

to the **war**] Not *battle*. The captains had still to be appointed (*v.* 9) and this must have taken place at the start of the campaign, not on the eve of engagement with the foe.

the priest] Or (it may equally be) *a priest*: see introd.

Hear, O Israel] iv. 1; here as there with Pl. vbs following.

3. *fear not*, etc.] neither the standing phrase of Pl. nor that of Sg.: see on i. 29.

4. *to save you*] Better, **to give you the victory**.

5. *officers*] *shoṭᵉrîm*, i. 15, xvi. 18.

a new house...not dedicated] The vb is used of the dedication of the Temple, 1 Kgs viii. 63 = 2 Chron. vii. 5, but nowhere else in the O.T. is there any mention of the dedication of a private house. (A.V. of title to Ps. xxx. is misleading.) At the present day in Syria, when a house

it? let him go and return to his house, lest he die in the
6 battle, and another man dedicate it. And what man is
there that hath planted a vineyard, and hath not used the
fruit thereof? let him go and return unto his house, lest he
die in the battle, and another man use the fruit thereof.
7 And what man is there that hath betrothed a wife, and hath
not taken her? let him go and return unto his house, lest
8 he die in the battle, and another man take her. And the
officers shall speak further unto the people, and they shall
say, What man is there that is fearful and fainthearted? let
him go and return unto his house, lest his brethren's heart
9 melt as his heart. And it shall be, when the officers have

is built a goat or sheep is slain and the blood stamped (often by the open hand) on the door or walls, as the present writer has seen in Moab and elsewhere: cp. Doughty *Ar. Des.* 1. 136, W. R. Smith *Rel. Sem.* 133 f., Musil, *Moab*, 372, *Ethn. Ber.* 417. The sacrifice propitiates the spirits of the disturbed soil. To leave for war without fulfilling such rites was regarded as fatal; see Schwally, 91 f., who quotes as parallel *Iliad* 11. 698 f.: Protesilaus, the first Greek slain by the Trojans, had left his house unfinished. That such a superstition prevailed in Israel is probable, but by the addition *and another man dedicate it*, D's motive for this law is shown to be rather one of humanity.

6. *not used the fruit thereof*] As in xxviii. 30 EVV. paraphrase the Heb. *halal*, a ritual term for bringing into common use. In the 5th year after planting the vine, one might use the fruits which in the 4th were reserved for the Deity, and for the three previous years were left alone. See Lev. xix. 23 ff.

7. *that hath betrothed*, etc.] Cp. xxiv. 5, exempting the newly-married from service for a year. The reason can hardly be that he was unclean for, as in the case of other married men, this obstacle could be removed (2 Sam. xi. 6 f.). Evidently the motive is humane, in the wife's interests, or in order to secure descendants to the man himself.

8. *shall speak further*] The change in the formula is no proof that this is a later addition to the law (as Steuern. avers).

fearful and fainthearted] It is true that such were also supposed to be possessed by evil spirits (Schwally). For a Celtic analogy see Scott's *Fair Maid of Perth*, in which Conacher's timidity is attributed by his foster-father to possession. But there is no evidence of such a superstition here. The rule is rather in sympathy with this Book's constant insistence upon whole-hearted devotion in the service of God. In no direction of life is He content with less. Cp. Judg. vii. 3.

lest his brethren's heart, etc.] 'Fear is catching.' (M. Henry.)

made an end of speaking unto the people, that they shall appoint captains of hosts at the head of the people.

When thou drawest nigh unto a city to fight against it, 10
then proclaim peace unto it. And it shall be, if it make 11

9. *they shall appoint*] *They*, not necessarily *the officers* of the previous clause, but indefinite : those whose duty it is to appoint, or the people as a whole. Cp. 1 Macc. iii. 55 f.

captains of hosts] The chiefs of the main divisions, cp. 1 Kgs ii. 5. These are not appointed till the host has been sifted of all whom it was not proper to allow to accompany it, because the exemptions apply to all ranks. With these rules for sifting the host, cp. Cromwell's measures with the recruits for his Ironsides.

10—18. Of the Capture of Heathen Cities.

Before besieging a city Israel shall offer peace, and if it surrenders its people shall be subject to service (10 f.). But if it will not, Israel shall lay siege, and having taken it, shall slay every male, but reserve women, children, cattle and spoil for booty (12—14), a milder form of the *herem* ; so in the case of distant cities. But of the cities of the land, nothing that breathes is to be saved ; to this severest form of the *herem* must all the seven nations be put (15—17), so that they teach not Israel their abominations (18).—In the Sg. address except for 18, possibly an addition from vii. 4, 25, etc.

Cornill's opinion (*Einl.*[3] 26) that all of 15—18 is secondary is too drastic : it is a fundamental principle of D not to allow mercy where there is any risk thereby to the purity of Israel's religion. Steuern.'s milder suggestion, that the formulas in 14 *which Jehovah thy God has given thee* and 16 *which...is to give thee for an inheritance* and the list of nations in 17 (so too Meyer, *ZATW* I. 135) are editorial, is possible. On the question whether the law implies the survival of Canaanites when it was written see Introd. § 11.

Characteristically D enjoins less rigorous measures in war than were usual at the time, but only when there is no danger of Israel being tempted by them to the worship of other gods. In modern Arab raids women and children are never touched and no prisoners are made. The men are killed if they defend their property or are left unharmed if they have nothing or are defenceless (Jennings-Bramley *PEFQ* 1908, 33 ; confirmed by other travellers). But Islam, like Israel, when waging war against peoples of another faith has not observed these equities.

10. *When thou drawest nigh*] Cp. *v.* 2.

to fight against it] With another preposition the same vb is used of attacking or besieging a city, Judg. ix. 45, 1 Sam. xxiii. 1, etc.

proclaim peace unto it] Judg. xxi. 13. Negotiations between enemies on the eve of battle were frequent (e.g. Judg. xi. 12—28, 1 Kgs xx. 2 ff.) and it cannot have been unusual for besiegers to offer to the besieged their lives on condition of surrender (2 Kgs xviii. 28 ff.). For a case among the Arabs see Doughty *Ar. Des.* II. 429.

The humanity here enjoined by D must be estimated in the light of the *herem*, according to which for religious reasons heathen enemies were never to be spared. The injunction therefore is not so much a mitigation of the rigours

thee answer of peace, and open unto thee, then it shall be, that all the people that is found therein shall become [1]tribu-
12 tary unto thee, and shall serve thee. And if it will make no peace with thee, but will make war against thee, then thou
13 shalt besiege it: and when the LORD thy God delivereth it into thine hand, thou shalt smite every male thereof with
14 the edge of the sword: but the women, and the little ones, and the cattle, and all that is in the city, even all the spoil thereof, shalt thou take for a prey unto thyself; and thou shalt eat the spoil of thine enemies, which the LORD thy
15 God hath given thee. Thus shalt thou do unto all the cities which are very far off from thee, which are not of the
16 cities of these nations. But of the cities of these peoples, which the LORD thy God giveth thee for an inheritance,
17 thou shalt save alive nothing that breatheth: but thou shalt

[1] Or, *subject to task-work*

common in Semitic warfare as a qualification of the religious zeal with which Israel (like Islam) fought their foes. For an instance in which after a siege had begun a Jewish besieger listened favourably to the petitions of the besieged see 1 Macc. xiii. 43 ff. (Simon at Gezer).

11. *tributary*] Heb. *la-mas*. *Mas* means a body of forced labourers, e.g. of Israelites in Egypt, Ex. i. 11, or of Solomon's levies for work in Lebanon and upon his buildings, 1 Kgs v. 13 (27), ix. 15; but frequently of the Canaanite peoples surviving among Israel, J, Josh. xvi. 10, xvii. 13, Judg. i. 30, 33, 35; while both J and P say that the Gibeonites who were admitted to league with Israel upon their statement that they had come from a distance, were, on the discovery of their fraud, condemned to be hewers of wood and drawers of water. Such forced labour was recognised as the natural fate of the defeated, Isai. xxxi. 8.

12. **But** *if it will make no peace with thee...thou shalt besiege*, i.e. *confine* or *blockade it*.

13. *when the LORD thy God delivereth it*] As to this D has no doubt.

thou shalt smite, etc.] See on ii. 34.

14. *but*] or *only*. Heb. *rak*, introducing exceptions. See on x. 15.

the women, etc.] A mitigated form of the *herem*—see on ii. 34—urged not only from motives of humanity but on utilitarian considerations.

take for a prey, etc.] ii. 35, iii. 7.

15. *these nations*] near or round Israel.

16. *But*] Heb. *rak*, introducing an opposite case, see x. 15.

thou shalt save alive nothing that breatheth] Heb. *any breath*, i.e.

[1]utterly destroy them; the Hittite, and the Amorite, the Canaanite, and the Perizzite, the Hivite, and the Jebusite; as the LORD thy God hath commanded thee: that they 18 teach you not to do after all their abominations, which they have done unto their gods; so should ye sin against the LORD your God.

When thou shalt besiege a city a long time, in making 19 war against it to take it, thou shalt not destroy the trees

[1] Heb. *devote.*

human life (Gen. ii. 7, 1 Kgs xvii. 17, 'Isai.' xlii. 5), cp. the deuteronomic Josh. x. 40, xi. 11, 14. Only in Gen. vii. 22 does the phrase cover animals.

17. *utterly destroy them*] put them to the *herem* in its severer form (see on ii. 34). But from the passages quoted above on *tributary*, *v.* 11, we see that Israel did not put these nations to the ban but only to forced labour. Here D did not mitigate but aggravate the fate of the peoples conquered by Israel, and as Islam did, from religious motives.

the Hittite, etc.] Six nations, but LXX adds the missing seventh, the Girgashite. See on vii. 1.

as...commanded thee] may be an editorial addition founded on vii. 2, 25, cp. Ex. xxiii. 31—33.

18. The one Pl. passage in this law, see introd. note.

abominations] See on vii. 25, xii. 31, xvii. 1.

19 f. Of Sparing the Fruit Trees in a Siege.

In a prolonged siege, Israel, while eating of the besieged's fruit-trees, shall not destroy them (19). Trees which do not yield food may be cut down for siege-works (20).—In the Sg. address.

The practice of cutting down the enemy's fruit trees was common. Several Assyrian kings boast of it: cp. Tiglath Pileser III. (quoted in *K.B.* 4512): 'The plantations of palms which abutted on his rampart I cut down.' Both Pompey and Titus cleared away the trees round Jerusalem, the latter for a distance of 90 stadia (Josephus VI. *B.J.* i. 1, viii. 1, v. *B.J.* iii. 2). Mohammed destroyed the palms of the Banu Nadir, and justified this in an oracle, Kuran lix. See also Doughty *Ar. Des.* I. 23.

On invading Moab Israel cut down the fruit-trees and stopped the wells, in obedience to a word of Jehovah by Elisha (2 Kgs iii. 19, 25). That prophet, therefore, and his biographer cannot have known of this law of D, which shows a real advance in the ethics of warfare.—Further on Sieges see O. C. Whitehouse art. 'Siege' in *E.B.*; Billerbeck, *Festungsbau im Alten Orient.*

19. *besiege...a long time*] From this and *build bulwarks* in *v.* 19, we see that Israel were already familiar with siege-operations and did not depend on carrying a city by immediate storm, as the nomad Semites were obliged to do or retire.

in making war against it to take it] Curiously redundant.

thereof by wielding an axe against them; for thou mayest eat of them, and thou shalt not cut them down; for is the tree of the field man, that it should be besieged of thee?
20 Only the trees which thou knowest that they be not trees for meat, thou shalt destroy and cut them down; and thou shalt build bulwarks against the city that maketh war with thee, until it fall.

by wielding an axe against them] The vb as in xix. 5.

for thou mayest] Or, *but*. Even here a utilitarian reason is given.

for is the tree of the field man...?] or *human*. So according to LXX and other versions. The Heb. pointing, which omits the interrogative, gives no sense.

that it should be besieged of thee] Lit. *that it should come into siege before thee:* the technical phrase, 2 Kgs xxiv. 10, xxv. 2. Cp. our *state of siege*.

20. *bulwarks*] Heb. *maṣor*, from the vb *to besiege*, therefore, **siege-works**, or circumvallation. See Mic. v. 1 (iv. 14), Isai. xxix. 3 Jer. vi. 6, *fell ye trees and heap up a wall against Jerusalem*, cp Ez. iv. 2, Judg. ix. 46—49, 2 Sam. xx. 15. Specimens of such works, of wicker and wood, are seen in Assyrian sculptures.

until it fall] xxviii. 52, Isai. xxxii. 19.

Ch. XXI. 1—9. Of the Expiation of an Untraced Murder.

If a slain man be found in the open country and his slayer is not known the elders of the nearest town shall take a heifer not yet wrought with to an uncultivated valley with a stream and break its neck (1—4); and priests shall attend (5); and the elders, washing their hands over the heifer, shall testify that they neither shed this blood nor saw it shed, and pray for forgiveness, and the blood shall be forgiven and the guilt removed (6—9).—Peculiar to D, it opens and closes in the Sg. address and with D's formulas (*vv.* 1, 8, 9); the latter also appear with the entrance of the priests (*v.* 5). The rest has no trace of the direct address (except in the doubtful *3a*) nor of D's formulas. Note, too, in the opening of *v.* 9, how emphatically the return to the direct address is made by a variation *-and thou*—of the formula with which D closes similar laws; as if he felt some such junction were needed between what he had been quoting and his own addition. All this suggests that D has incorporated, and rounded off, an older law or custom; and the suggestion is confirmed by the primitive character of that custom, the fact that it implies sacrifice (see on 3 f.) which, according to D, is valid only at the One Altar, and that the earlier authorities in Israel, *the elders*, perform this. That the law is found only in D points to its having been a local practice. That he altered any of the original details cannot be positively affirmed; but it is noteworthy

If one be found slain in the land which the LORD thy 21
God giveth thee to possess it, lying in the field, and it be
not known who hath smitten him: then thy elders and thy 2
judges shall come forth, and they shall measure unto the

that while the definition of the heifer and the place of its killing imply a sacrifice, and the running water may be held to mean that originally the animal's blood was shed into it, there is now in the law no mention of its blood, but its neck is to be broken, as if it were not a regular sacrifice.

It is possible that *v.* 2, with its reference to *the judges*, belongs not to the law quoted but to D; and very probable that both *the elders* in that *v.* and the whole of *v.* 5 are additions later than D.—Steuern. assigns the bulk of the passage to the code of his Pl. author on the ground that *elders* are also mentioned in other passages which he assigns to that, e.g. xix. 11 f., and that his Sg. author does not know of the elders.

The principle of this law, that an untraced murder must be ritually expiated, and the associated principle that the community in which it happened are responsible till expiation has been offered, prevailed among the Semites as well as with other peoples. Ḥammurabi enjoins (§ 23) that if a highwayman has not been caught the man robbed shall swear what he has lost, and have this restored by the governor of the district in which the robbery took place; and (§ 24) that if a life has been lost the city or district governor shall pay 1 mina of silver to the deceased's relatives. W. R. Smith points out that in Arabia when a man was found slain the people of the place had to swear they were not the murderers (*Kinship and Marriage*, etc., 263) and that in the *Kitāb el-Aghani* ix. 178, l. 25 ff. the responsibility for a homicide is thrown on the nearest homestead, *dar* (MS note quoted by Driver). Cp. Doughty *Ar. Des.*, I. 176. I add a modern instance of communal responsibility which resembles the case in § 23 of Ḥammurabi's Code. In 1901 when encamped at Banias, although we had the usual watchman given us by the village, one of our horses was stolen by night. The dragoman, without telling me, appealed to two soldiers from the garrison of Mejdel esh-Shems who were passing. They summoned to our camp the elders of the village who denied on oath that they had been guilty of the crime or knew the criminal. They were very respectable looking ancients and our Western instincts of justice were wounded by the proposal that the whole gang of them should at once be marched off 'elbow-tight' to the prison at Mejdel. They offered a substitute for the stolen horse, but when this arrived it proved to be a very inferior animal, and was refused. After 24 hours the missing beast was produced, and we went our way uncertain whether it had been stolen with the connivance of the elders or not; but thankful for the institution of communal responsibility.—Cp. Baldensperger, *PEFQ*, 1906, 14.

1. *If one be found*] So xvii. 2, xxiv. 7, also Sg. passages.
which the LORD thy God **is to give** *thee*] See on xix. 14.
lying] Heb. *falling* but with perfect sense, *fallen*, cp. Num. xxiv. 4, Judg. iii. 25, v. 27.
in the field] *sadeh*, as in xxii. 25, 27, in its earlier meaning (see on v. 21), the wild uncultivated country, remote from habitations.

2. *thy elders and thy judges*] The combination is remarkable, and recent commentators take one or the other as secondary. Steuern. retains *elders* (see introd. note), but Berth. and Marti are right in taking this as editorial since D does not elsewhere speak of the elders of the whole nation as P does.

3 cities which are round about him that is slain: and it shall
be, that the city which is nearest unto the slain man, even
the elders of that city shall take an heifer of the herd, which
hath not been wrought with, and which hath not drawn in
4 the yoke; and the elders of that city shall bring down the
heifer unto a valley with running water, which is neither
plowed nor sown, and shall break the heifer's neck there in

3. *and it shall be*, etc.] Lit. *and it shall be* as regards *the city which...that the elders of that city shall take*, etc. Similar construction in xii. 11, xviii. 19.

an heifer of the herd] 1 Sam. xvi. 2, Gen. xv. 9 (*a three year old*) for sacrifice.

which hath not been wrought with] Heifers were used for work, Judg. xiv. 18, Hos. x. 11, Jer. l. 11, but this one, destined for a sacred use, must not have been so profaned: cp. xv. 19, of firstlings, Num. xix. 2, of the red heifer.

4. *the elders of that city*] Luc. omits.

a valley with running water] i.e. with a perennial brook, cp. Am. v. 24 (and see Driver's note here). The running water is usually explained as meant to carry off the blood, but no blood is mentioned; unless it was so in the original law (see introd. note). The primitive idea was rather the checking of a demon or of the spirit of the slain man. Cp. the belief in the preference of spirits for dry places (Luke xi. 24) and their aversion to running water (in modern times that ghosts cannot cross bridges, e.g. *Tam o' Shanter*).

neither plowed nor sown] therefore unprofaned by common use, and so meet for a solemn rite. Dillm. (after Ewald): 'that the soaked-in blood of the beast, vicariously killed, may not hereafter be uncovered by the cultivation of the ground but rather washed away by the brook.' See however, the previous note. Some object the impossibility of finding an uncultivated valley with a running stream, but there are many such.

shall break the heifer's neck] The same procedure as J, Ex. xiii. 13, xxxiv. 20; enjoins for the firstling of an ass not redeemed; cp. 'Isai.' lxvi. 3, of a dog. In these cases there does not appear to have been shedding of the blood such as took place in all sacrifices proper. This is singular if the killing of the heifer was a *piaculum*. In the original ceremony was it only conceived as a piece of sympathetic magic, symbolic of the execution of the murderer, and did D transform this into an expiation? Or, conversely, was the original ceremony a sacrifice, and did D, on his principle that sacrifice was valid only at the One Altar, reduce it to the level of the treatment of the firstling of an ass? In Lev. iv. 13—21 (P), the *piaculum* for an inadvertent sin of the whole congregation, it is also the elders who slay the victim.

the valley: and the priests the sons of Levi shall come near; 5
for them the LORD thy God hath chosen to minister unto
him, and to bless in the name of the LORD; and according
to their word shall every controversy and every stroke be:
and all the elders of that city, who are nearest unto the slain 6
man, shall wash their hands over the heifer whose neck was
broken in the valley: and they shall answer and say, Our 7
hands have not shed this blood, neither have our eyes seen
it. Forgive, O LORD, thy people Israel, whom thou hast 8
redeemed, and suffer not innocent blood *to remain* in the
midst of thy people Israel. And the blood shall be forgiven
them. So shalt thou put away the innocent blood from the 9
midst of thee, when thou shalt do that which is right in the
eyes of the LORD.

5. *the priests the sons of Levi shall come near*] The same vb as of *the priest* in xx. 2, R.V. *approach*. The appearance of the priests is remarkable, for they have nothing else to do in the ceremony. They have been introduced, then, either by D or, since they are not designated by D's usual title for them (*the priests the Levites*), by an editor who, under the later priestly conceptions, cannot imagine such a ceremony without them. The rest of the *v.* reads as though the insertor gave it as his reason for bringing them in. For the formulas of which it consists see on x. 8, xvii. 8, 12, xviii. 5.

6. *wash their hands*] thus disowning their own and their community's guilt. Pss. xxvi. 6, lxxiii. 13, Matt. xxvii. 24.

over the heifer] As representing the murderer or the murder?

7. *answer*] **testify**, as in v. 20 (9th Comm.), and xix. 16.

8. *Forgive*] the meaning of this technical term, *kipper*, is usually taken either from the Ar. form = *to cover*, or the Syr. = to *wipe* away, the latter being also its meaning in Assyr. (Zimmern in *KAT*^{3}, 601, 650). See Driver's note here.

whom thou hast redeemed] In the Hex. peculiar to D, see on vii. 8.

suffer] Heb. *give*, i.e. *appoint*, *attach* or *impute*.

thy people Israel] The guilt of such a crime affected not only the people of the commune where it was committed but all Israel (cp. Num. xxxv. 33). Was this idea in the original law, or added by D? Apparently D's addition begins with the opening of the next *v.*

9. *So shalt thou put away*] Heb. *and thou, thou shalt put away*, an emphatic variation of the formula with which D usually closes similar laws (see xiii. 5, (6), xix. 13, etc.), as if he only now resumed his own words.

when thou shalt do, etc.] To make the construction right we should prefix to this clause, the words *that it may be well with thee*. See vi. 18.

10 When thou goest forth to battle against thine enemies,
and the LORD thy God delivereth them into thine hands,
11 and thou carriest them away captive, and seest among the
captives a beautiful woman, and thou hast a desire unto
12 her, and wouldest take her to thee to wife; then thou shalt
bring her home to thine house; and she shall shave her
13 head, and pare her nails; and she shall put the raiment of
her captivity from off her, and shall remain in thine house,

10—14. Of Marriage with a Captive of War.

If a woman taken in war is desired for a wife (1 f.), she may be brought home, but the marriage shall not take place till she has shaved her hair, pared her nails, put away her former garments, and mourned her parents for a month (12 f.). If her husband's love for her fades he may let her go out free (14).—In the Sg. address, with no feature incompatible with D's authorship, and impressed by his spirit both of humanity and of caution against infection by foreign idolatries. Yet in the light of vii. 3, forbidding marriage with the people of the land, and xx. 16 commanding that in war they shall all be put to death, this law can only refer to captives taken in distant wars, xx. 10—15. See further general note, introd. to ch. xx. There is no parallel in any other codes.

Mohammed permitted a female captive (though previously married) to become at once the concubine of her captor. But this is not Arab custom. 'Women are not taken captive in the Arabian warfare, though many times a poor valiant man might come by a fair wife thus without his spending for bride-money' (Doughty *Ar. Des.* II. 148).

10. *When thou goest forth*, etc.] See on xx. 1. Read *enemy* (sing.) because of the following: *and the* LORD *thy God delivereth* **him** *into thine hands* (see on i. 27); **and thou takest captives from him** (lit. *capturest his captives*).

11. *the captives*] Sam. *his.*

hast a desire unto her] Heb. *hashak*, see on vii. 7.

and wouldest take her] So Sam. LXX. Heb. omits *her.*

12. *to thine house*] Lit. *to the midst of thy household.*

shave her head, and pare her nails] Heb. *make* or *dress her nails* (2 Sam. xix. 24 with *feet* and *beard*). Berth. thinks these duties are part of the following mourning, the cutting off of hair being a mourning rite (xiv. 1, *Ethn. Ber.*, 427). But because she has to do this at once and at the same time put off the *raiment* she was taken in, it is more probable that all three are required as elements in her purification from heathenism (so most commentators); see above, pp. 243 f. On similar customs among Arabs, cp. W. R. Smith, *Kinship*, etc., 178, *OTJC*², 368, Wellh., *Reste Arab. Heid.* 156.

and bewail her father and her mother a full month: and after that thou shalt go in unto her, and be her husband, and she shall be thy wife. And it shall be, if thou have no 14
delight in her, then thou shalt let her go whither she will; but thou shalt not sell her at all for money, thou shalt not deal with her [1]as a slave, because thou hast humbled her.

[1] Or, *as a chattel*

13. *a full month*] Lit. *a month of days*, a usual period of mourning, xxxiv. 8, Num. xx. 29, etc., cp. Gen. l. 3. Contrast Mohammed's practice above.

be her husband] Heb. *a ba'al to her*; so xxiv. 1, R.V. *marrieth.*

14. *let her go*] Lit. *dismiss*, the term for divorce, the right of which was the husband's alone, but in this case is qualified by the following.

whither she will] Lit. *according to her desire*; therefore rather **as** *she will*, as full mistress of herself; cp. Jer. xxxiv. 16 of freed slaves.

thou shalt not sell her, etc.] So in E, Ex. xxi. 8, of the married slave whom her husband wishes to divorce.

deal with her as a slave] Only here and xxiv. 7. Although the Ar. forms of the root imply rancour or malice, the Heb. vb seems only to mean deal with her as her owner (Driver, 'play the master over her').

because, etc.] Cp xxii. 24, 29.

15—17. Of the right of the Firstborn.

If a man have two sons by different wives, one loved and one hated, and his firstborn is the son of the latter, he must not give the firstborn's double portion to the son of the favourite.—Not in the direct address nor with any of D's characteristic phrases; possibly therefore a previous law adopted by D, but hardly an ancient one, as it vetoes what was at least the occasional practice in early Israel. Like others it opens by putting a definite case (*if there be a man*, etc., cp. *vv.* 18, 22, xxii. 2, 6, 13, etc.), it covers this alone, and hence is incomplete. We do not learn, e.g., whether the *double portion* included the family lands (Stade, *Gesch.* I. 392, and Buhl, *Soc. Verhältn. d. Isr.* 55 *n.* 2, think not) nor anything as to the children of concubines (cp. E, Gen. xxi. 10 f.).

That in early Israel the firstborn had special rights, arising probably from the sacredness attached to all firstbirths (see Ex. xiii. 12), is proved by the term *bĕkorah*, *birthright* (J, Gen. xxv. 34) as well as by its metaphorical application to Israel (J, Ex. iv. 22, cp. Jer. xxxi. 9). That the firstborn's portion was *a double one* is implied by the spiritual use of the phrase, in 2 Kgs ii. 9 (cp. Zech. xiii. 8). Yet these rights were subject to the *patria potestas* and a firstborn might be disinherited by his father in favour of a younger son, either as in Reuben's case because of misconduct, or as in the succession to David through the influence of a favourite wife (Gen. xlix. 2 ff., cp. 1 Chron. v. 1; 1 Kgs i. ii.; cp. the power of a father's blessing even when obtained by fraud, Gen. xxvii., or of a grandfather's, Gen. xlviii.). The former case is dealt with more rigorously by the next law of D, the latter is abso-

15 If a man have two wives, the one beloved, and the other
hated, and they have borne him children, both the beloved
and the hated; and if the firstborn son be hers that was
16 hated; then it shall be, in the day that he causeth his sons
to inherit that which he hath, that he may not make the son
of the beloved the firstborn [1]before the son of the hated,
17 which is the firstborn: but he shall acknowledge the first-
born, the son of the hated, by giving him a double portion
of all that he hath: for he is the beginning of his strength:
the right of the firstborn is his.

[1] Or, *during the life time of*

lutely forbidden in this law. Together the two laws illustrate D's mingled severity and equity. For later legislation on inheritance see P, Num. xxvii. 1—10, xxxvi.

On the rights of inheritance in Assyria and Babylonia see Johns, *op. cit.* ch. xvi. He refers to instances of the division of property among brothers with reservations in favour of other members of the family, and certain powers of allotment by the eldest son, and quotes (p. 42) very early laws by which parents might disinherit their sons. This is also sanctioned, but only upon repeated misconduct, by Hammurabi, §§ 168 f., which legalise a father's gifts to a favourite son over and above his equal share with his brothers in his father's estate (§ 165), and equal rights to the children of a bondmaid with those of a wife if the father have acknowledged them as his sons (§ 170). See also §§ 28, 38 f. and a late law (Johns, p. 71) assigning one-third of a man's estate to the children of a second marriage. On the Arab laws of inheritance see W. R. Smith, *Kinship* etc., 53 etc.

15. *If a man have two wives*] Cp. Jacob, Gen. xxix. 16 ff., Elkanah, 1 Sam. i. 2.

hated] The extreme case, but covering others such as Jacob's Gen. xxix. 30 f.

16. *in the day that he causeth his sons to inherit*] When he makes his will, Gen. xxiv. 36, xxv. 5; cp. 2 Sam. xvii. 23, 2 Kgs xx. 1.

before] in preference to (see on v. 7), R.V. margin is improbable.

17. *acknowledge*] Grätz by adding one consonant reads, *make him the first-born.*

a double portion] Heb. *mouth* or *mouthful*, *of two*, only here and 2 Kgs ii. 9, Zech. xiii. 8; cp. *hand* or *handful*, Gen. xliii. 34.

beginning of his strength] Gen. xlix. 3.

and his is *the right of the firstborn*] So some Heb. MSS, Sam. LXX, etc.

18—21. Of a Disobedient Son.

If a man have a son, who, in spite of his parents' rebuke, fails to obey them (18), they shall bring him forth to the gate, and state the case to the elders of the town (19 f.), and the townsmen shall stone him to death, so shall evil be put out of Israel and all take warning (21). —Except for the closing formula this law is not in the form of address to

If a man have a stubborn and rebellious son, which will 18
not obey the voice of his father, or the voice of his mother,
and though they chasten him, will not hearken unto them:
then shall his father and his mother lay hold on him, 19
and bring him out unto the elders of his city, and unto
the gate of his place; and they shall say unto the elders of 20
his city, This our son is stubborn and rebellious, he will
not obey our voice; he is a riotous liver, and a drunkard.
And all the men of his city shall stone him with stones, 21
that he die: so shalt thou put away the evil from the midst
of thee; and all Israel shall hear, and fear.

Israel, and the term for *stoning* is other than D's. Therefore probably another of the laws incorporated by D.

The power of parents over their children (E, Ex. xxi. 7, Gen. xxxi. 15), even to putting them to death, which prevailed in early Israel also to this degree (Gen. xxxviii. 24; cp. Buhl, *Soc. Verhältn. d. Isr.* 20), as among the Greeks and Romans, is here enforced and controlled by public authority. See further introd. to previous law. Cp. xxvii. 16; E, Ex. xxi. 15, 17, H, Lev. xx. 9 (death for smiting or cursing parents); Pr. xxx. 17, Code of Hammurabi § 195, and two Sumerian laws cited by Johns, *op. cit.* p. 41. For Herod's abuse of this law see Josephus, XVI. *Antt.* xi. 2.

18. *If a man have*] See introd. to *vv.* 15—17.

stubborn and rebellious] Jer. v. 23, Ps. lxxviii. 8.

father or...mother] Mark the equality of the parents, as in the next *v.*, the Fifth Comm. and in E, Ex. xxi 15, 17; also in the Babylonian laws cited above.

chasten] See on viii. 5.

19. *lay hold*] xxii. 28; cp. ix. 17. *Bring out*, xvii. 5, *q.v.*, xxii. 21, 24. *Elders of his city*, see on xix. 12 and xvi. 18. *Gate of his place*, as the local seat of judgement, xxii. 15, xxv. 7; cp. Ruth iv. 1 f., Am. v. 10, 12, 15, Isai. xxix. 21.

20. *elders*] Sam. LXX, *men*.

riotous liver] Better, **prodigal**, lit. one who *lavishes* or *squanders*, Prov. xxiii. 20 (with *flesh*, a glutton) and 21, parallel to *drunkard* as here; xxviii. 7: *a companion of prodigals shameth his father*.

21. *stone*] Heb. *ragam* as in Ar.; only here in D, which elsewhere has *sakal*, see on xiii. 10 (11), but found in JE (Josh. vii. 25), H (Lev. xx. 2, 27) and P (Num. xiv. 10, etc.).

put away, etc.] See on xiii. 5 (6).

all Israel shall hear, etc.] See on xiii. 11 (12); cp. xvii. 13, xix. 20.

22 f. Of the Exposed Corpse of a Criminal.

A corpse exposed after execution shall be buried before night; cursed of God it must not be left to defile the land. In the Sg. address and closing with a deuteronomic formula.

22 And if a man have committed a sin worthy of death,
and he be put to death, and thou hang him on a tree;
23 his body shall not remain all night upon the tree, but
thou shalt surely bury him the same day; for he that is
hanged is [1]accursed of God; that thou defile not thy land
which the LORD thy God giveth thee for an inheritance.

[1] Heb. *the curse of God.*

Hanging (or impalement? see below) was not the form of the criminal's death but was subsequent to the execution and an aggravation of its dishonour. This is clear not only from *v.* 22, but from Jos. viii. 29, x. 26, 1 Sam. xxxi. 10, 2 Sam. iv. 12 and is perhaps intended also in Gen. xl. 19 (and by consequence in *v.* 22, xli. 13). Compare the similar treatment of the corpses of traitors and other notorious criminals in Europe till within recent times. In early Israel bodies thus exposed were buried before night and under or behind great stones, as though finally to suppress and get rid of the spirit of the criminal, which otherwise would continue to haunt the neighbourhood. If that was the original idea, it is ignored by D and this other substituted, that the hanged thing was under God's curse and unburied might infect His holy land with His wrath.

22. *if a man*, etc.] Cp. *vv.* 15, 18; lit. *if there be against a man a sin, a sentence* (*mishpaṭ*), *of death*. This compound phrase seems a fusion of *a sin of death*, a capital sin, xxii. 26, and *a sentence of death*, a capital charge, xix. 6. Or *mishpaṭ* is a gloss.

and thou hang him on a tree] Not necessarily *tree* but something *wooden* (see xix. 5), LXX ἐπὶ ξύλου. It may have been a stake or pole, Esth. vii. 9, EVV. *gallows*. Of the cross in Gal. iii. 13. So also *hang*, LXX κρεμάσητε, may be both here and in passages cited above *affix* or *impale*, Esth. vii. 9, LXX σταυροῦν (but this was in Persia for which cp. the ἀνασκολοπίζειν of Herod. i. 128). Impalement is implied in Ezra vi. 11; and probably in 2 Macc. xv. 35, Judith xiv. 1, Lam. v. 12. As their sculptures illustrate, Assyrians and Babylonians frequently impaled the bodies of their enemies.

23. *for* **the thing hanged** *is accursed of God*] lit. *a curse of God*. This was the meaning of such exposure of the corpse after execution. God's wrath was heaped upon it; or it became doubly unclean and therefore terribly charged with infection to its surroundings. The LXX version of these words: κεκαταραμένος ὑπὸ θεοῦ πᾶς κρεμάμενος ἐπὶ ξύλου is quoted by Paul with a difference—ἐπικατάρατος πᾶς ὁ κρεμάμενος ἐπὶ ξύλου—in support of his statement that Christ was made a curse for us.

that thou defile not] In D only here and xxiv. 4, but the idea, differently expressed, is frequent.

giveth thee for an inheritance] xv. 4. See on iv. 21.

Ch. XXII. 1—12. Nine Laws for Various Occasions and Temptations.

All in the Sg. address (and the first two besides with the term *brother* usual in the Sg passages) and without the opening formula general in the preceding group and resumed in the following. It is

Thou shalt not see thy brother's ox or his sheep go astray, 22
and hide thyself from them: thou shalt surely bring them
again unto thy brother. And if thy brother be not nigh 2
unto thee, or if thou know him not, then thou shalt bring
it home to thine house, and it shall be with thee until
thy brother seek after it, and thou shalt restore it to
him again. And so shalt thou do with his ass; and so 3
shalt thou do with his garment; and so shalt thou do with
every lost thing of thy brother's, which he hath lost, and thou
hast found: thou mayest not hide thyself.

Thou shalt not see thy brother's ass or his ox fallen down 4

difficult if not impossible to explain their appearance just here in the Code, or the order in which they are arranged. They have, however this in common that they modify some earlier laws or customs, and transform others or forbid others. Steuern.'s division of them between his Sg. and Pl. authors is unconvincing.

1—3. Of Restoring Lost Property. No Israelite shall see a brother's ox or sheep go astray without returning it, or caring for it till it is claimed, and so with an ass or garment or anything lost; D's expansion of a law by E, Ex. xxiii. 4 f., which is (remarkably) of an *enemy's* property. As is evident from the parallel phrase, *him that hateth thee*, in E's next law, this is not a foreign, but a private, enemy. Therefore D's substitution of the term *brother* renders his law not narrower (so Marti and others), but wider, than E's. P, Lev. vi. 1—7, gives details for the treatment of a man who has not restored lost property found by him.

Ḥammurabi has four laws, §§ 9—12, on cases in which the finder has sold the lost property of another. For the Arabs see Doughty *Ar. Des.* I. 345 and Musil, *Ethn. Ber.* 282 ff.: If a man find an animal, this must be confirmed by two witnesses, that the owner may not charge him with theft and exact fourfold compensation. Among the Ṣekhûr the animal remains with the finder till the owner appears, when it is returned; but after 3 years it belongs to the finder. Some forms of denouncing finders, who do not restore, are given.

1. *go astray*] Heb. *niddaḥim*, usually rendered as a passive part., has here, probably, as in Mic. iv. 6, Zeph. iii. 19, Ezek. xxxiv. 4, 16, a reflexive sense like the Scot. pass. part. *wandered*: LXX πλανώμενα ἐν τῇ ὁδῷ. Ex. xxiii. 4: *if thou come upon thine enemy's ox or his ass straying.*

and hide thyself from them] *v.* 4, 'Isai.' lviii. 7 (*from thine own flesh*), Ps. lv. 1 (2); LXX, ὑπεριδεῖν. Cp. Luke x. 31 f., *passed by on the other side.*

2, 3. Wholly (except for *his ass*) D's addition to the law.

3. *thou mayest not*] As in xii. 17, *q.v.*, etc.

4. Of Assisting to Lift Fallen Beasts. D's more comprehensive and more simply expressed edition of E's law, Ex. xxiii. 5, which enjoins

by the way, and hide thyself from them: thou shalt surely help him to lift them up again.

5 A woman shall not wear that which pertaineth unto a man, neither shall a man put on a woman's garment: for whosoever doeth these things is an abomination unto the LORD thy God.

6 If a bird's nest chance to be before thee in the way, in any tree or on the ground, with young ones or eggs, and the dam sitting upon the young, or upon the eggs, thou shalt not 7 take the dam with the young: thou shalt in any wise let the dam go, but the young thou mayest take unto thyself; that it may be well with thee, and that thou mayest prolong thy days.

the duty of helping him *that hateth thee* to *release* (an archaic word) his animals when foundered beneath their burdens. On *fallen*, see xxi. 1.

An animal fallen under its load needs two persons to put it right: 'an operation which can be performed for a loaded animal only by lifting up the burden on both sides at once, unless it be unloaded and loaded again, implying much loss of time, and even this often cannot be done without assistance. Jew and Christian, Muslim and Koord mutually assist each other, though inimical to one another's faith' (Van Lennep, *Bible Lands*, etc., 231).

5. Against Wearing the Clothes, etc., of the Other Sex. Peculiar to D. As what is forbidden is styled *an abomination to Jehovah*, the law probably refers to heathen rites, for the practice of which, including the interchange by the sexes of their clothes, weapons, etc., leading to gross impurities, there is much evidence in records of the Syrian and other ancient religions. Calvin quotes Juvenal *Sat.*, vi. 252.

> Quem praestare potest mulier galeata pudorem,
> Quae fugit a sexu?

Lucian, *Dea Syr.* 15, 26, 51, Apul. *Metamorph.* VIII. 24 ff., Pausanias III. 197, Macrobius *Sat.* iii. 8, Eusebius *Vit. Const.* iii. 55, Jerome on Ho. iv. 14, Augustine *Civ. Dei*, VII. 26. Cp. Movers, *Phönizier*, I. 678 ff., Stark, *Gaza*, etc. 306, W. R. Smith, *OTJC*[2], 365.

that which pertaineth] Heb. *kĕlî*, covering weapons (i. 41), utensils (xxiii. 24 [25]) and ornaments, as well as garments or 'things' as we call them (Lev. xiii. 49, etc.).

abomination] See vii. 25; cp. xviii. 12, xxv. 16.

6, 7. Of Sparing the Mother-bird. Peculiar to D. No reason of ritual such as we found from xiv. 21 is traceable here. The motive may be prudence; had it been kindness to animals (as in xxv. 4, and H, Lev. xxii. 27 f.) we should have expected an injunction not to take the whole brood. Either D or possibly a later editor has in *v.* 7 added the same inducement which is attached to the Fifth Commandment, as

When thou buildest a new house, then thou shalt make 8
a battlement for thy roof, that thou bring not blood upon
thine house, if any man fall from thence. Thou shalt not 9
sow thy vineyard with two kinds of seed: lest the [1]whole

[1] Heb. *fulness*.

if reverence for motherhood were the motive. Steuern.'s idea that this was suggested by xxiv. 16 is far-fetched. Cp. Luke xii. 6.

8. Of Protecting Roofs. Only in D. E, Ex. xxi. 33 f., exacts from him who leaves a pit open the price of a beast fallen into it, but says nothing as to houses. D's frequent reference to building is another sign of its later date. Neglect of this law would be punished under the laws on manslaughter and maiming. *Battlement*, Heb. *ma'akeh*, only here (cp. Ar. *'akā*, 'to hinder). *Roof*, Heb. *gag*, deriv. doubtful. Cf. Syr. *geg*, 'plaster' (M'Lean *Dict. of Vernac. Syriac*). *Blood*, LXX *φόνος*.

Hammurabi fixes penalties for unsound building involving death or damage, § 229—233. In W. Asia roofs are flat, or where they are domed because timber is scarce, as in Jerusalem, flat terraces are left round the domes, so that they can be used for taking the air, private conversation, worship, etc., as in Jos. ii. 6, 1 Sam. ix. 26, 2 Sam. xi. 2, xvi. 22, Isai. xxii. 1, Jer. xix. 13, Zeph. i. 5, Matt. xxiv. 17, Acts x. 9. In towns there is generally a stone-wall on the outside and a paling on the inside above the court. But Baldensperger says (*PEFQ*, 1904, 261), 'the roof is designated *hait* which means "protected," although, as a matter of fact, it is not protected at all on the most dangerous side.'

9—11. Three Laws against Mixing (1) seeds, (2) animals in ploughing, (3) cloths in a garment. The first and third also in H, Lev. xix. 19 (cp. P, Lev. xi. 37, against defiling seed), along with one against cross-breeding; the second peculiar to D. The religious reason given for the first is to be inferred for the other two. To appreciate it we must keep in mind not only the attention of the mind of that time to the distinctness of species as created by God, Gen. i. 11 f., 21, 24 f. (Driver), but the principle stated by Isaiah (xxviii. 24 f.) that all the husbandman's customs and methods including his discrimination and separation of different kinds of seed were taught him by divine revelation (cp. Lev. xix. 19: *ye shall keep my statutes*); and the possibility that in a more primitive society different seeds, animals and the stuffs produced from them were regarded as animated by different spirits whom it was unlucky to offend by confusing them (see on *v.* 11). But it is remarkable that Hammurabi's Code shows no trace of this. For the later more detailed Jewish law see the *Mishnah*, 'Kil'aim.'

9. *thy vineyard*] which in Palestine is frequently so planted that there is room for the growth of vegetables, etc., between the vines. Lev. xix. 19, *thy field*. Why D mentions only *vineyard* is not explicable. The inference that his law is later than that in Lev. (Dillm.) is unjustified. More probably the wider term is the later correcting the narrower.

two kinds] Only here and Lev. xix. 19. The Heb. implies mutually *exclusive* kinds.

fruit be [1]forfeited, the seed which thou hast sown, and the increase of the vineyard.

10 Thou shalt not plow with an ox and an ass together.

11 Thou shalt not wear a mingled stuff, wool and linen together.

12 Thou shalt make thee [2]fringes upon the four borders of thy vesture, wherewith thou coverest thyself.

[1] Heb. *consecrated.* [2] Or, *twisted threads*

whole fruit] Right; for the Heb., *the fulness*, means not the overflow (so Ges. as in Ex. xxii. 29 (28)) but the whole ultimate contents of the vineyard, as the rest of the *v.* explains.

be forfeited] Lit. as R.V. margin, *consecrated*, separated unto Jehovah and His sanctuary like things under the ban (Josh. vi. 19); proof that the prohibited mixture was regarded as a religious, i.e. a ritual, offence.

10. *an ox and an ass together*] This is frequently seen in Palestine, as also a camel with one or other of these two. Note that the ox was 'clean,' the ass 'unclean.' D does not, like H, prohibit cross-breeding. *Mules* were common in Israel from David's time, see *Jerus.* I. 326 f. On cross-breeding at the present day in Palestine see Musil, *Ethn. Ber.* 291.

11. *a mingled stuff*] Heb. *sha'aṭnez*, a foreign word, and perhaps Egyptian (doubtfully derived from the Coptic *saḥt*, 'woven,' and *nuḏj*, 'false'), LXX κίβδηλος. Also in Lev. xix. 19, which has *a garment of two kinds* for the *wool and linen together* of D. According to Hos. ii. 5, 9, Israel attributed her wool and flax (and other products) to the Baalîm, and if as is probable different products were attributed to different Baals we have a confirmation of the theory stated above in the introd. note. Josephus, IV. *Antt.* viii. 11, gives another reason.

12. Of Knots or Tassels. *Gᵉdîlîm*, lit. *twisted threads*, are to be put on the four borders of the quadrangular *covering* or outer garment (xxiv. 13, Ex. xxii. 27). P (or H), Num. xv. 37—41, calls them *ṣîṣîth*, and explains them as reminders of the commandments of their God, and their obligations, as holy to him, not to go a whoring. It is singular that D does not explain them as, with this meaning, they are analogous to the directions given in vi. 8, xi. 18. Among all peoples knots have been used as symbols of contracts, etc., and memorials (see also on xviii. 11). These enjoined by the Law may be the successors of the armlets worn in a more primitive state of society. LXX, στρεπτά, and for *ṣîṣîth*, κράσπεδα. *Vesture*, Heb. *kᵉsûth*, lit. *covering*.

13—30. Six Laws on Cases of Unchastity.

Of these the first five prescribe the procedure in criminal cases:—1st. Of a Husband's Charges against His Bride (13—21); 2nd. Of Adultery (22); 3rd. Of Dishonouring a Betrothed Virgin with her con-

If any man take a wife, and go in unto her, and hate 13

sent (23 f.); 4th. Of the Same without her consent (25—27); 5th. Of Dishonouring an Unbetrothed Virgin (28 f.); while the 6th forbids Marriage with a Father's Wife (30 [xxiii. 1]). Of the first five each opens similarly to each of the group xxi 15—23, i.e. with an *if*, and differently from those of the group xxii. 1—12, and they share with the former group and with xix. 1—13, and other laws, these marks:—*the elders* are the public authority, *vv.* 15 ff., cp. xix. 12, xxi. 3, 19 f.; *neighbour* (not *brother*, characteristic of the Sg. passages) is used, *vv.* 24, 26, cp. xix. 4 f., 11, 14; *field* (*sadeh*) in its *wider* sense, *vv.* 25, 27, cp. xxi. 1; and *sin worthy of death* (*het'-maweth*), *v.* 26, cp. xix. 6, xxi. 22. The direct address to Israel is seldom used, and the form varies. In the closing formulas, *vv.* 21, 22, 24, it is Sg. and Sg. also in the body of the 4th law, *v.* 24 (unless this be editorial), but Sam. LXX have Pl. In the body of the 3rd law, *v.* 24, it is Pl.

In considering these plain-spoken laws it is just to remember that with all their imperfections they represent an advance in social ethics; an upward stage in the struggle against debasing practices and the animal passions of men. That we do not need some of them to-day is due to the fact that their enforcement under religious sanction was needed at the time of their origin. It is only ignorance or ingratitude which can cavil at their spirit or their form.

13—21. Charges against a Bride. He who, from a base motive, falsely accuses his wife of unchastity before marriage shall after solemn rebuke from the elders be fined 100 silver-pieces and have his right of divorce withdrawn (13—19); but if such a charge be true she shall be stoned to death (20 f.).—No direct address to Israel except in the closing formula which is Sg.

The physical evidence, on which the woman is acquitted, was regarded as essential by many ancient races and is still called for and displayed (not only in judicial cases but after all marriages) by certain tribes in Syria, Egypt and Morocco (see further Driver's note; Westermarck, *Hist. of Human Marriage*, 123 f.); but its absence is by no means conclusive proof of a woman's previous unchastity, nor is it certain that the original form of this law so regarded it (see on *v.* 20). Musil (*Ethn. Ber.* 208 ff.) gives differing instances of the treatment of this case among the fellahin and Arabs. With the former the man at once puts his bride away; if her relatives repay him the bride-price he must be silent; if he speaks and the bride has really been guilty, they kill her; if she is innocent he is killed. A jury of matrons decides but the production required above *v.* 17 is not demanded. With the Sharari the man returns the bride to her family. With the Terâbin, if the man accuses his bride he has to flee before her relatives, and put himself under the protection of a strong man, who opens up communication with them. The bride's representative applies for a 'Minshâd' decision 'that thereby he may make white my honour which he has blackened,' which is given only by the representatives of certain clans, to whom each party pays 1000 piasters. If the judge finds the charge false the man pays the father of the bride 100 lira, but if he accepts not the decision he is dishonoured and no one may protect him. If the bride is guilty, her punishment depends on her relatives, and compensation is made to the man, who can however still keep her. The innocent party receive back their 1000 piasters.

13. *If any man*, etc.] For this opening cp. xxi. 15, 18, 22. *Take a wife*, xxi. 11, etc.

14 her, and lay shameful things to her charge, and bring up
an evil name upon her, and say, I took this woman, and
when I came nigh to her, I found not in her the tokens
15 of virginity: then shall the father of the damsel, and her
mother, take and bring forth the tokens of the damsel's
16 virginity unto the elders of the city in the gate: and the
damsel's father shall say unto the elders, I gave my daughter
17 unto this man to wife, and he hateth her; and, lo, he hath
laid shameful things *to her charge*, saying, I found not in
thy daughter the tokens of virginity; and yet these are the
tokens of my daughter's virginity. And they shall spread the
18 garment before the elders of the city. And the elders of
19 that city shall take the man and chastise him; and they
shall amerce him in an hundred *shekels* of silver, and give
them unto the father of the damsel, because he hath brought

and hate her] Note this feature in the case; the man had entered on marriage merely for the satisfaction of his passions, and when this was achieved turned against his wife by a revulsion of feeling known in such characters.

14. *and lay shameful things to her charge*] So some versions, and so still Marti. But others following Dillm. trans. *frame wanton charges against her* (Heb. *'alilôth dᵉbarîm*, cp. the cognate *ta'alulîm*, *caprice* or *wantonness*, Isai. iii. 4, lxvi. 4, and Ps. cxli. 4). So Dri. Berth., and the Oxford Heb. Lex. Aq. has ἐναλλακτικὰ ῥήματα, but LXX προφασιστικοὺς λόγους. Steuern., 'evil deeds that are only words.'

bring up] Heb. *bring out*, techn. term.

tokens of virginity] See introd. note, and cp. *v.* 17.

15. *father of the damsel, and her mother*] Together as in xxi. 18 ff. *Damsel*, Heb. *na'ar*, the masc. form used in the Pent. for the fem. 21 times, 13 of which are here (but fem. form in *v.* 19) and the rest in Gen. xxiv. and xxxiv.; cp. Ruth ii. 6, iv. 12.

elders of the city in the gate] xxi. 19.

17. **to her charge**] So Sam. LXX; omitted by Heb.

18. *chastise him*] According to Josephus, IV. *Antt.* viii. 23, he received 39 stripes; see on xxv. 3. But the vb probably means merely to **rebuke**, cp. xxi. 18.

19. *amerce*] Or *fine*, also in E, Ex. xxi. 22. On the estimate of the silver shekel as = 2*sh.* 9*d.*, this came to £13. 15*sh.* It is paid to the father who had been responsible for his daughter's integrity (cp. *v.* 16, *I gave my daughter to this man*) and whose family name had been damaged by the slanderer; but also the national name, cp. *a virgin of Israel*. By § 127 of Ḫammurabi the false accuser of *another* man's wife was branded.

up an evil name upon a virgin of Israel: and she shall be his wife; he may not put her away all his days. But 20
if this thing be true, that the tokens of virginity were not found in the damsel: then they shall bring out the 21
damsel to the door of her father's house, and the men of her city shall stone her with stones that she die: because she hath wrought folly in Israel, to play the harlot in her father's house: so shalt thou put away the evil from the midst of thee.

If a man be found lying with a woman married to an 22

and she shall be his wife] Heb. emphatic; *and to him shall she* (continue to) *be to wife*. It is just that he should not be free of his obligations to her, for the motive of his slander had been to get rid of her. But for her it is rough justice. A woman could not divorce a man. By § 142 of Hammurabi, if a woman repudiated her husband her past was investigated, and if she had no vice but the husband had belittled her she took her marriage portion and went back to her father's house.

20. *But if this* **charge** *be true*, etc.] If the physical signs were alone relied on a miscarriage of justice was possible. Other evidence, however, may have been forthcoming. Indeed it is possible that the clause, *the tokens*, etc., is not original.

21. *the door of her father's house*] Not at the town's gate (as in other cases, *v.* 24, xvii. 5), because it was her father's house which she had dishonoured. Therefore instead of *to play the harlot*, etc., read with Sam. LXX. **turning her father's house into a harlot's.**

folly] Rather, **senselessness.**

Heb. *nebalah* from *nabal*; 'very difficult to render in English. "Fool" and "folly" are inadequate. The fault of the *nabal* is not weakness of reason, but moral and religious insensibility, a rooted incapacity to discern moral and religious relations, leading to an intolerant repudiation in practice of the claims which they impose...The cognate *nabluth* occurs Hos. ii. 10 (12) in the sense of *immodesty*. *Senseless* and *senselessness* may be suggested as fair English equivalents...' (Driver).

folly in Israel] this phrase, implying the sense of a national ideal and standard, a national conscience, which is found in J, Gen. xxxiv. 7, Josh. vii. 15, and in Judg. xx. 6, 10, does not elsewhere occur in D, and is evidence (so far) that we have here an earlier law interpreted by D.

so shalt thou put away] See on xiii. 6 (5); and introd. note to this law.

22. Of Adultery. Both guilty parties shall die; so H, Lev. xx. 10. By inference from *vv.* 21, 24 the death was by stoning; so Ezek. xvi. 38—40, John viii. 5.

So in Arabia to this day; Burton, *Pilgr. to Mecca*, II. 19, Musil, *Ethn. Ber.* 210; among the Arabs of Sinai the man alone is killed, the woman may be divorced and

husband, then they shall both of them die, the man that lay with the woman, and the woman: so shalt thou put away the evil from Israel.

23 If there be a damsel that is a virgin betrothed unto an husband, and a man find her in the city, and lie with her:
24 then ye shall bring them both out unto the gate of that city, and ye shall stone them with stones that they die; the damsel, because she cried not, being in the city; and the man, because he hath humbled his neighbour's wife: so thou shalt put away the evil from the midst of thee.
25 But if the man find the damsel that is betrothed in the

pays the bride-price (Jennings-Bramley, *PEFQ*, 1905, 214, 216). By § 129 of Hammurabi both parties were strangled and cast into the water, but the wife's husband might save her and the king his servant (?); by § 131 a wife accused by her husband but not caught in a guilty act might swear her innocence and return to her house; but by § 132 if suspicion was raised against her, though not caught in the act, she should plunge into the sacred river (ordeal by water). Other cases deal with the wife's resorting to another husband in consequence of her husband's captivity, §§ 133—135. In Israel, as at the present day in Syria, cases of adultery were often due to the absence of husbands on a journey, Prov. vii. 19. The whole subject is discussed in several artt. in Hastings' *Dictionary of Religion and Philosophy*, Vol. I.

married to an husband] Heb. *bᵉ'ulath-ba'al*, only here, xxi. 13, and Gen. xx. 3. But cp. Hos. ii. 16.

23—27. Of Intercourse with a Betrothed Virgin: (1) *vv.* 23 f., with her consent, in which case both she and the man are stoned, as in the case of Adultery (*v.* 22), for the bride-price having been paid at betrothal the woman is as good as married (Gen. xxix. 21, Joel i. 8); (2) *vv.* 25—27, without her consent, in which case the man alone dies and nothing is done to the woman. These two laws are peculiar to D. Note in *v.* 24 the Pl. address, and also in *v.* 26 according to Sam. LXX, but Heb. has here the Sg.

For such cases Hammurabi has but one law, § 130: If a man has ravished another's betrothed, who is virgin, while still in her father's house, and has been caught in the act, that man shall die, but the woman go free. Among the Arabs if the woman is unmarried her relatives are not obliged to kill her, but no one may marry her (Musil, *Ethn. Ber.* 210).

23. *betrothed*] See on xx. 7.

in the city] Cp. *v.* 24. In the city she would have been heard had she cried, but as she did not she must have been a consenting party.

24. *bring them both out unto the gate of that city*, etc.] See on xiii. 10 (11), xvii. 5.

because, etc.] This construction is found in D only here and xxiii. 5.

Humbled, *v.* 29 and xxi. 14.

25. But if in the field *the man find*, etc.] So the emphatic Heb.

field, and the man force her, and lie with her; then the man only that lay with her shall die: but unto the damsel 26
thou shalt do nothing; there is in the damsel no sin worthy of death: for as when a man riseth against his neighbour, and slayeth him, even so is this matter: for 27
he found her in the field; the betrothed damsel cried, and there was none to save her.

If a man find a damsel that is a virgin, which is not 28
betrothed, and lay hold on her, and lie with her, and they be found; then the man that lay with her shall give unto 29
the damsel's father fifty *shekels* of silver, and she shall be his wife, because he hath humbled her; he may not put her away all his days.

order. *Field* here in its wider and probably earlier sense, of the uncultivated, therefore uninhabited, land. So *v.* 27, xxi. 1.

force] Rather, *seize*, **lay hold of**, as in xxv. 11.

26. *thou shalt do nothing*] Sam. LXX, *ye shall*, Pl. as in *v.* 24.

no sin worthy of death] See introd. to xxii. 13–30.

riseth against...and slayeth him] xix. 11, but here Heb., using a stronger vb, unnecessarily adds *life* from xix. 6 and 11.

27. *cried*] Here at least the woman has the advantage of the doubt.

28, 29. Of Intercourse with a Virgin not Betrothed. The man shall pay a bride-price (see on *v.* 22) and marry her without power of divorce. For seduction E, Ex. xxii. 16 f., exacts the bride-price but the father may refuse his daughter to the man. Among the *Tiyâha* Arabs the seducer of a woman pays the blood-price of two men; if he will marry her he must furnish the full bride-price (Musil, *Ethn. Ber.* 210).

lay hold on her] Not the same vb as in *v.* 25, usually explained as rape, but this is not certain.

and **he** *he found*] So LXX. Heb. *they* is due to dittography.

29. *humbled*] See *v.* 24. *He may not*, etc., as in *v.* 19.

30. (Heb. ch. xxiii. 1.) Against Intercourse with a Father's Wife, cp. xxvii. 20, and H, Lev. xviii. 8, xx. 11, where the prohibition is extended to other female relatives. Either D's law is earlier than H's or D did not know of H's. Its limitation to this special case is explained by the fact that such intercourse had been regarded as proof of succession to the father's property (2 Sam. iii. 7, xvi. 22, 1 Kgs ii. 22) and was become frequent (Ezek. xxii. 10); probably the survival of a practice general in early times (but condemned by J, Gen. xxxv. 22, xlix. 4).

Thus among the ancient Arabs a man succeeded to his father's wives along with other heritable property, but this was forbidden by the Korân, iv. 26. For instances in Syria see W. R. Smith, *Kinship*, etc., 86–90, *OTJC*², 369 f. By § 158

30 A man shall not take his father's wife, and shall not uncover his father's skirt.

of Ḫammurabi a man caught after his father's death with a step-mother who has borne children, is cut off from his father's house; by § 157 incest is punished by burning. Cp. H, Lev. xviii. 7.

uncover, etc.] xxvii. 20, for the sense see Ruth iii. 9, Ezek. xvi. 8, and cp. the Ar. parallel quoted through W. R. Smith in Driver's *Deut.* 259, *n.* 1.

Ch. XXIII. 1—8 (2—9). Four Laws: Of Right to Enter the Congregation.

There shall not enter any eunuch (1); nor the son of an unlawful marriage, nor descendants (2); nor Ammonite, nor Moabite, nor descendants (3—6); but the third generation of Edomite or Egyptian may enter (7 f.).—These laws have negative openings like the preceding and like the series which follow in *vv.* 15—20 (16—21) after the interrupting law, 9—14 (10—15); hence possibly their position just here. The form of address to Israel does not appear till 4*a* (5*a*) where it is Pl., but in 4*b*—7 Sg. Other features are the use of *ḳahal, congregation*, for the commonwealth of Israel, not elsewhere in D, the difference of 4*a* (5*a*) from ii. 29, the introduction of Balaam not mentioned in chs. i.—iii., and the favourable treatment of Egyptians. Such data raise questions of the origin and structure of these laws as difficult as any we have met, and perhaps incapable of solution.

Some take 4 -6 (5—7) as secondary, and the rest as original to D. But it is nearly as plausible to reckon part or all of 4—6 as D's addition to earlier laws and to argue for the primitive origin of these (see below). Berth. holds that all 1—8 (2—9) is secondary, 1—6 being from the time of Ezra and perhaps inserted by Ezra himself to correct the religious confusions which he found in Jerusalem. As there is nothing at that time to explain 7 f. (8 f.) he boldly suggests the origin of this in the Maccabean period (*Stellung d. Isr. zu d. Fremden*, 142 ff., and his note on this passage). For answers to him see below.

1 (2). The Mutilated shall not Enter the Congregation. The reason is either the general one, which may well have been primitive, that a blemished man was ritually unfit for a community, formed like all ancient communities on a religious basis (cp. H, Lev. xxi. 20, for the priests alone); or the particular one that such unsexed persons often served heathen deities (xiv. 1, xxiii. 17 f. (18 f.)). Also the employment of eunuchs was part of the foreign *ḥareem* system introduced by Solomon. There is therefore no reason to doubt the possibility of an early date for this law.

On its use of *ḳahal* for the congregation of Israel see below. Berth. argues that the rigorous exclusion of eunuchs implies a date later than the exilic or post-exilic passage 'Isai.' lvi. 3 ff., which promises the childless eunuch, *sarîs*, a lasting name in Israel, better than sons or daughters, if he keeps Jehovah's covenant. But this promise, in its connection with a similar one to the son of the foreigner, reads as the

He that is wounded in the stones, or hath his privy 23
member cut off, shall not enter into the assembly of the
LORD.

A bastard shall not enter into the assembly of the LORD; 2
even to the tenth generation shall none of his enter into
the assembly of the LORD.

An Ammonite or a Moabite shall not enter into the 3
assembly of the LORD: even to the tenth generation shall
none belonging to them enter into the assembly of the

grant, under the influence of a more spiritual and generous piety (cp. on *v.* 6), of privileges hitherto denied to the physical eunuch by custom or law. Or has *saris* here the same symbolic meaning which it bears in Matt. xix. 12? Nor does Berth.'s appeal to Jer. xxxiv. 19 carry weight, for the *sarisim* mentioned there can hardly, because of their ranking with princes and priests, be physical eunuchs but are rather chamberlains or other high officials. Jensen derives the word from Ass. *sha reshi* 'he who is chief' (*Z. A.* VII. 174); cp. Gen. xxxix. 1, where the married Potiphar is a *saris* of Pharaoh, and note that no Heb. code calls the physical eunuch *saris*. On eunuchs as guardians of the mosques at Medinah and Mecca see Burton, *Pilgrimage*, etc., I. 371.

wounded in the stones] Lit. *wounded by crushing* (the *testes*), cp. H, Lev. xxi. 20; this and the other operation here described are both practised in the East.

the assembly] or **congregation.** For the Heb. *kahal* see on v. 22. The earlier instances of the term cited there shew that its use here cannot be taken as proof of an exilic or post-exilic date. This in answer to Berth. Not used in this meaning elsewhere by D; its presence here may be due to D's employment of an earlier law (cp. Dillm.). But cp. xxxiii. 4.

2 (3). Nor shall the Son of an Unlawful Marriage Enter the Congregation nor his Descendants.

bastard] This meaning is derived from the LXX ἐκ πόρνης. More probably the Heb. *mamzer* (elsewhere only in Zech. ix. 6) signifies the offspring either of such unlawful unions as are exemplified in xxii. 30 (xxiii. 1), which was the opinion of the Rabbis (*Mishnah*, 'Yebamoth' iv. 13, cp. Levy, *Chald. u. Neuhebr. Wörterbuch*, *sub voce*), or of the equally forbidden marriages with foreign wives, Neh. xiii. 23 ff.

3—6 (4—7). Nor shall Ammonites, nor Moabites, nor their Descendants Enter the Congregation (3), for these nations gave no provision to Israel on the way from Egypt (4*a*), but he (?) hired Balaam to curse Israel (4*b*, 5); Israel must never seek their welfare (6). *V.* 3 is quoted in Lam. i. 10: evidence in favour, but not conclusive, of its being an original part of D's code. The originality of *vv.* 4—6 is more doubtful.

They make the law longer than the others of this group, cp. the deuteronomic additions to the 'Ten Words.' *V.* 3 is sufficiently accounted for, through its connection with the previous law, by the incestuous origin of Ammon and Moab (J, Gen. xix. 30—38); but *vv.* 4—6 besides being quotations (see below) give other reasons for the law. The question is further complicated by the introduction of

4 LORD for ever: because they met you not with bread and
with water in the way, when ye came forth out of Egypt;
and because they hired against thee Balaam the son of
5 Beor from Pethor of [1]Mesopotamia, to curse thee. Never-
theless the LORD thy God would not hearken unto Balaam;
but the LORD thy God turned the curse into a blessing
6 unto thee, because the LORD thy God loved thee. Thou shalt
not seek their peace nor their prosperity all thy days for ever.
7 Thou shalt not abhor an Edomite; for he is thy brother:

[1] Heb. *Aram-naharaim.*

Balaam, not mentioned in chs. i.—iii., and the difference between *v.* 4*a* and ii. 29. But whether *v.* 3 is an earlier law to which D or editors have added (at different times) the two quotations, *vv.* 4—6; or whether *v.* 3 is D's own law, to which editors have added the rest—it is impossible to say. On Ammon and Moab see ch. ii.

4a. *met you not*, etc.] The appearance of the Pl. address marks a quotation as in ix. 7 f. According to ii. 29 Moab *sold bread and water* to Israel.

when ye came forth out of Egypt] Whoever wrote this clause (D or an editor) its perspective is that not of Moses in the land of Moab but of a time long after when the whole forty years' passage from Egypt was foreshortened.

4b, 5. Probably another quotation from a different source: (1) because of the change from the Pl. to the Sg. address (confirmed by LXX), and (2) because Heb. and the versions have *he hired* (not *they* as in EVV.), suggesting that in the context from which it was extracted this vb had a sing. nominative (Balak?). On the substance of *4b*, 5, see JE, Num. xxii. 2 ff.

6. *Thou shalt not seek*, etc.] So Ezra ix. 12 of the peoples of the land. But Jeremiah (xxix. 7) counselled the exiled Jews to seek the peace of Babylonia. The spirit of his counsel is as much in advance of the spirit of this law, as 'Isai.' lvi. 3 ff. is in advance of *v.* 1.

7, 8 (8, 9). Edomites and Egyptians are not to be abominated; the one people is Israel's blood-brother (unlike Moab and Ammon), the other was his host; their third generation may enter the congregation. —Here too there is no reason against an early date.

The political hostility of Israel to Edom, fierce before the Exile, was then and after still fiercer. But their kinship was an old tradition and this law like the others of the group reflects not a political situation but a religious principle. The attitude to Egypt appears to conflict with the feeling usual in D that the Egyptians had only been the enslavers of Israel *house of bondmen, fiery furnace*, etc. Yet D also elsewhere remembers that the poor and weak nomad, who was the father of Israel, became in Egypt a great nation (xxvi. 5); and further the admission into Israel of the third generation of an Egyptian was apparently already allowed in the 7th cent. B.C. (see on *v.* 8). Thus the Maccabean date, proposed for this law by Berth., is unnecessary.

7. *Thou shalt not abhor*] regard as an abomination, ritually alien or 'unclean.' See on vii. 26.

thou shalt not abhor an Egyptian; because thou wast a stranger in his land The children of the third generation 8
that are born unto them shall enter into the assembly of the LORD.

When thou goest forth in camp against thine enemies, 9
then thou shalt keep thee from every evil thing. If there 10
be among you any man, that is not clean by reason of that which chanceth him by night, then shall he go abroad out

stranger] **Guest**, or *client*. Heb. *gēr*.

8. *The children of the third generation...shall enter the* **congregation**] Jer. xxxvi. 14 mentions a man under King Jehoiakim called *Yehudi*, i.e. Jew, whose great-grandfather was called *Kushi*, i.e. Egyptian, and whose father and grandfather had names derived from the name of Israel's God.

9—14 (10—15). Of the Holiness of the Camp.

In camp Israel shall avoid every evil (9). If a man suffer from pollution he must leave the camp till evening, bathe and then return (10 f.). There shall be a place outside for natural needs, where a man shall cover with earth what comes from him (12 f.); Israel's God, who walketh the camp, must not see shameful things (14). In the Sg. address, like other laws of War, xx. 1—9, 10—18, 19 f., xxi. 10—14, and with the same form of opening, and appeal to the same sacred reason.

The reason is D's own, in his language, but the ideas behind the law were primitive: either, as in the case of the first, sexual uncleanness as a disqualification for service—already in practice in Israel (1 Sam. xxi. 5, 2 Sam. xi. 11); or, as in the case of the second, the danger of leaving one's excrement exposed, as though it might be used in magic against one (Frazer, *Golden Bough*, I. 327 f.; Schwally, *Kriegsaltertümer*, 61 f., 67). See further note introd. to ch. xx. This law is therefore possibly an earlier one, adapted and partly transformed by D. See below on *vv.* 14. A parallel in P, Num. v. 1—4. For Brahminical laws for the same occasions see Beauchamp's edition of Dubois, *Hindu Manners*, etc.,[2] 239 ff.

9. *When thou goest forth*] As xx. 1, xxi. 10; cp. xiii. 13 (14).

in camp] Heb. [as] *a camp*, *maḥᵃneh*: a term used of the encampment itself, *vv.* 10 ff., Josh. vi. 11, 14, 1 Sam. xvii. 53, 2 Kgs vii. 16; of those who encamp, Num. x. 5 f.; and of a host on its way to encamp or to take up a position, as here, Josh. viii. 13, x. 5, xi. 4 f. (Also used of hosts or companies without any reference to camping.) The camps of nomads were of tents; in time of war Israel's were of booths, 2 Sam. xi. 11.

thou shalt keep thee] ii. 4.

every evil thing] As the context shews, anything that would cause ritual uncleanness; in xvii. 1 of a physical blemish unfitting for sacrifice, but in Ps. lxiv. 5 (6), cxli. 4 of what is immoral.

10. *among you*] Lit. *in thee*.

which chanceth him by night] See Lev. xv. 16; and above on xx. 7.

11 of the camp, he shall not come within the camp: but it
shall be, when evening cometh on, he shall bathe himself
in water: and when the sun is down, he shall come within
12 the camp. Thou shalt have a place also without the camp,
13 whither thou shalt go forth abroad: and thou shalt have
a [1]paddle among thy weapons; and it shall be, when thou
sittest down abroad, thou shalt dig therewith, and shalt
14 turn back and cover that which cometh from thee: for the
LORD thy God walketh in the midst of thy camp, to deliver
thee, and to give up thine enemies before thee: therefore
shall thy camp be holy: that he see no [2]unclean thing in
thee, and turn away from thee.

[1] Or, *shovel* [2] Heb. *nakedness of anything.*

11. *when evening cometh on*] Gen. xxiv. 63. The new day began then.

bathe himself, etc.] Also prescribed in Lev. xv. 16.

12. *a place*] Heb. *hand*, of Jabbok-side in ii. 37, a man's place in the ranks, Num. ii. 17 (cp. Jer. vi. 3). Here perhaps a *place aside*.

13. *paddle*] *peg* or *stake*, in Judg. v. 26 of *tent-peg*, here a digging-stick, Scot. 'dibble.'

14. *walketh*] *walketh up and down* (also of God in J, Gen. iii. 8, and 2 Sam. vii. 6 f.). Cp. especially 1 Sam. iv. 7, *a god is come into the camp*; and above xx. 1, 4, 13, xxi. 10 of the presence of Jehovah with the host. On *deliver* cp. xx. 4; and to *give up, before thee*, see on i. 8. *Holy*, set apart from anything unclean. He must not see the *nakedness of anything*, anything shameful or indecent. Here the idea is wider than that of ritual uncleanness, and indicates an advance of feeling on the more primitive sentiment. No sanitary reason is implied, but it is interesting that such religious or aesthetic motives produced sanitary results.

15—25 (16—26). Five Laws—Various.

The subjects of these are not related. As to form, all are in the Sg. address (Steuern.'s reasons for dividing them between his Sg. and Pl. authors are again inconclusive); and the first three (15—20) have negative openings similar to those of the group in *vv.* 1—8 (from which they are abruptly separated by 9—14). In D or D's source they may have originally followed that group, in the feeling that as all three treat of relations with foreigners or foreign practices they had affinity with it. Steuern. thinks that *vv.* 15 f. fit xxii. 8 in the code of his Sg. author. In addition to the negative openings there are possibly some cue-words. *Escaped* in *v.* 15 is the same Heb. vb (but passive) as *deliver* in *v.* 14; and *vow* in 18 is soon followed by *vows* in 21—23.

15, 16 (16, 17). Of a Runaway Slave. If such escape to *thee*—apparently Israel as a whole (cp. v. 16), and therefore the slave, though

Thou shalt not deliver unto his master a servant which is escaped from his master unto thee: he shall dwell with thee, in the midst of thee, in the place which he shall choose within one of thy gates, where it liketh him best: thou shalt not oppress him. 15 16

There shall be no [1]harlot of the daughters of Israel, neither shall there be a [2]sodomite of the sons of Israel. 17

[1] Heb. *kedeshah*. See Gen. xxxviii. 21. [2] Heb. *kadesh*.

not necessarily a Hebrew slave[1] (Marti), is one who has escaped from a foreign master—thou shalt not send him back, he shall dwell with thee, where he chooses and unoppressed.—Peculiar to D. That slaves sometimes fled abroad is seen from the flight of Shimei's to Achish of Gath, who gave them back, apparently as a matter of course (1 Kgs ii. 39). If this was the usual practice D's law marks a humane advance upon it. For slaves who flee from native owners no Hebrew laws are extant. On slavery see further on xv. 12 ff.

Hammurabi decrees that he who induces a slave to flee or harbours the runaway shall die (§§ 15 f., 19) and that runaways shall be restored (§§ 18, 20), the reward for each being two silver shekels (§ 17). The slaves of Arabs seldom run away. If one is harshly treated and escapes, he is sheltered by another man of the tribe till his owner promises to treat him better (Musil, *Ethn. Ber.* 225).

15. *deliver*] i.e. under arrest; cp. Josh. xx. 5 (deut.), 1 Sam. xxiii. 11 f.

a servant] **slave** or *bondman*, as elsewhere, e.g. v. 14.

16. With thee shall he dwell] So the emphatic Heb. order. *In the midst of thee*, omitted by some LXX codd. and redundant, is probably a gloss. So also *within one of thy gates where*, etc., omitted by LXX.

oppress] in D only here, in Ex. xxii. 21 (20) 'wrong,' Lev. xix. 33 'oppress' (both of the *gēr*).

17, 18 (18, 19). Against Hierodules. No Israelite, woman or man, shall be such. Nor shall Israel bring the hire of a harlot or the wage of a *keleb* to pay a vow. Both are abominations.—As the direct address is only in *v.* 18, *v.* 17 may be an earlier law (Asa is said to have abolished the *k*ᵉ*deshim* from Judah, 1 Kgs xv. 12) to which D in his own phraseology has added *v.* 18.

On *k*ᵉ*deshim* in Babylon see Herod. i. 199, Bar. vi. 43; the name and institution probably arose in the worship of Ishtar (Zimmern, *KAT*³, 423, 427); in Phoenicia, Mövers, i. 678 ff.; elsewhere, Strabo, xii. 3, 36, Lucian, *Lucius*, 38; in Israel, Gen. xxxviii. 21 f., 1 Kgs xiv. 24, xxii. 46 (47), 2 Kgs xxiii. 7, Ho. iv. 14, and possibly also the idolatrous worship described in Jer. iii. as harlotry and adultery, cp. Amos ii. 7 *b*.

17. For these two hierodules the Heb. is *kadesh* (masc.) and *k*ᵉ*deshah*

[1] Had this been so it would have been stated as in xv. 12.

18 Thou shalt not bring the hire of a whore, or the wages of a dog, into the house of the LORD thy God for any vow: for even both these are an abomination unto the LORD thy God.

19 Thou shalt not lend upon usury to thy brother; usury

(fem.) and means simply *set apart*, *consecrated* (cp. above, pp. 108 ff.), the former being probably the unsexed man referred to in xxii. 5, xxiii. 1.

18. *hire of a* **harlot**] Both of the consecrated and common prostitute, cp. Hos. ix. 1, Mic. i. 7, Isai. xxiii. 17 f., Ezek. xvi. 34. Mövers (*op. cit.*) shows that in Phoenicia this hire was brought to the temple.

wages of a dog] Heb. *mᵉḥîr*, *wage*, Mic. iii. 11, elsewhere *price* or *payment*, e.g. 2 Sam. xxiv. 24, 1 Kgs x. 28. *Dog*, *keleb*; the official name of the *kadesh*; cp. Phoen. inscription from Larnaca in *CIS.* I. 97, Rev. xxii. 15 and the Greek κύναιδος; in Ass. possibly also a general name for priests (above, p. 23, *n.* 1). See further W. R. Smith, *Rel. Sem.* 274.

house of **Jehovah** *thy God*] In Deut. only here, but cp. E, Ex. xxiii. 19, J, xxxiv. 26, Josh. vi. 24, Judg. xix. 18, and frequently in Kings

abomination] See on vii. 25.

19, 20 (20, 21). Of Interest; forbidden on loans to fellow-Israelites, but allowed on loans to foreigners.—In the Sg. address, with *brother* (not *neighbour*) and other of D's phrases; *v.* 19 is parallel to E, Ex. xxii. 25 (24) and H, Lev. xxv. 35—37, which forbid taking interest from *poor* Israelites. In these cases it is clear that we have to do with charitable, not commercial, loans, on the latter of which in later days interest was expected (Matt. xxv. 27). *V.* 20 on loans to foreigners deals with commercial loans, see Driver's note on Ex. xxii. 25. It is peculiar to D; there is no reason for regarding it (with Steuern.) as secondary. It is the proof, with several others, of the extension of Israel's foreign trade by the time of D. See above on xv. 6 and § 54 of the present writer's art. 'Trade, etc.,' in *E.B.*

Similarly among other Semites. Where poverty prevails and loans are for its relief and there is little trade, no interest is exacted, as among the Arabs (Doughty, *Ar. Des.* I. 318). In early Babylonian history 'advances of all sorts were freely made both with and without interest,' and 'most of the loans were evidently contracted to meet temporary embarrassment' (Johns, *Bab. and Ass. Laws*, etc., 250 f.). But a very complicated system including advances of money and kind by private persons, the temple treasuries and the king's (cp. Matt. xxv. 14 ff., Luke xix. 12 ff.) with various rates of interest and regulations, gradually developed in Babylonia (*op. cit.* ch. xxiii.), and we find a number of prescriptions already in the Code of Ḥammurabi (§§ 48—52, 100—107).

19. *lend upon usury*] **exact interest**; the Eng. *usury* formerly meant like the Lat. *usura* no more than interest. Heb. *neshek* is lit. something *bitten off*; the denom. vb. is *to take*, or *make* one *pay*, *interest*.

usury of money, etc.] The loans were more frequently in kind.

of money, usury of victuals, usury of any thing that is lent upon usury: unto a foreigner thou mayest lend upon 20
usury; but unto thy brother thou shalt not lend upon usury: that the LORD thy God may bless thee in all that thou puttest thine hand unto, in the land whither thou goest in to possess it.

When thou shalt vow a vow unto the LORD thy God, 21
thou shalt not be slack to pay it: for the LORD thy God will surely require it of thee; and it would be sin in thee. But if thou shalt forbear to vow, it shall be no sin in thee. 22
That which is gone out of thy lips thou shalt observe and 23
do; according as thou hast vowed unto the LORD thy God, a freewill offering, which thou hast promised with thy mouth.

20. *foreigner*] See on xv. 3.
that the LORD *thy God...thine hand unto*] See on xii. 7.
the land whither thou goest in, etc.] See on vii. 1, viii. 1.

21—23 (22—24). Of Vows. A vow once made shall be paid without delay. God requires it, neglect is a sin (21). To forbear to vow is no sin, but every uttered promise of this kind must be observed (22 f.).—In the Sg., somewhat redundant, and probably expanded (see on *v.* 23). Why it stands here is not evident; Steuern. draws attention to the presence of *vow* in *v.* 18 (19) as apparently the reason. D has already stated that vows are to be paid at the one altar (xii. 6, 11, 17, 26). There is no parallel in E, but one in P, Num. xxx. 2 (3) with some identical phrases, the context of which deals with women's vows in an elaborate fashion.

For the development of the casuistry thus begun see *Mishna*, 'Nedarîm.' In ancient times the vow was regarded as an essential part of religion (also in mediaeval Christianity) and was usually associated with prayer, cp. the Greek εὐχή, often conditionally on the prayer being granted. It might be a vow that the vower would devote himself to a god's service, e.g. Jacob, Gen. xxviii. 20—22; Absalom, 2 Sam. xv 7 f.; or the dedication of a child, Hannah, 1 Sam. i. 11, or of other living thing, Judg. xi. 30 (Jephthah), Mal. i. 14, Lev. xxvii., or houses or land, *id.* Cp. Pss. xxii. 25 (26), l. 14, lxi. 8 (9), lxv. 1 (2), lxvi. 13, lxxvi. 11 (12), cxvi. 14, 18; Job xxii. 27, Eccl. v. 4 f. (based on our law). All these show that vows were a religious duty, that they were frequently and lightly made, and but indifferently performed. Cp. Mark vii. 10 f., Matt. xv. 4 ff. For the Babylonians see Johns, *op. cit.* 137, Code of Hammurabi, § 18; and for the Arabs W. R. Smith, *Rel. Sem.* 314 f., 462 ff.

21. *vow*] Heb. *nadar*, as the parallel *nazar* shows, means originally 'to dedicate.' The term and the idea are found in practically all the Semitic languages.
be slack] Lit. *be behind*, **delay**. *To pay*, lit. *to fulfil*.
sin in thee] Cp. xv. 9.

23. *as thou hast* **freely** *vowed unto the* LORD *thy God*] LXX *to God*.
which thou hast promised, etc.] Attached awkwardly to preceding, and probably a gloss.

24 When thou comest into thy neighbour's vineyard, then thou mayest eat grapes thy fill at thine own pleasure; but thou shalt not put any in thy vessel.

25 When thou comest into thy neighbour's standing corn, then thou mayest pluck the ears with thine hand; but thou shalt not move a sickle unto thy neighbour's standing corn.

24, 25 (25, 26). Of Use at Need of Others' Corn and Fruits. Grapes may be eaten on the spot but none carried away; ears of corn may be plucked with the hand but no sickle shall be used.—Sg. with *neighbour* (not *brother*). LXX transposes the two *vv.* Peculiar to D; cp. xxiv. 19—21. The Pharisees flagrantly contradicted not only the spirit of this law, but its very letter, by interpreting *plucking* as *reaping*, and because this was *work* (v. 13) they held it unlawful on the Sabbath (Matt. xii. 1 ff., Mark ii. 23 f., Luke vi. 1 ff.).—The licence sanctioned here is frequently taken in Syria to-day, and the refusal to grant it regarded as impiety; for Arabia see Doughty, *Ar. Des.* I. 520 f., II. 152.

24. *at thine own pleasure*] or *appetite*, xii. 20, xiv. 26. *Thy fill*, which in Heb. follows this clause, may be a gloss on it.

vessel] Heb. *kĕli* (xxii. 5 *garment*), a sack (Gen. xliii. 11, 1 Sam. xvii. 40) or pot.

25. *ears*] Heb. *mᵉlîlôth* only here; N.H. *mᵉlîlah* = the still soft ears.

sickle] See on xvi. 9.

Ch. XXIV. 1—4. Of Re-marriage after Divorce.

If a man, for some fault, divorce his wife, and she marry another, who in turn divorces her or dies (1—3), her former husband may not take her back, this would be an abomination, etc. (4).—EVV. do not render the Heb. constr. The law is one conditional sentence, of which the apodosis begins with *v.* 4. It is not a law instituting divorce or prescribing the procedure though it states this as part of the special case which it puts (and here may be quoting from an earlier code). It is a law for a particular purpose, the prohibition of a man's re-marriage to a wife whom he has divorced and who, meantime, has been another's. It is not in the direct form of address, nor marked by D's phrases till its close; and therefore, like others similarly constructed (e.g. xxii. 13—21), which it further resembles in its opening, and in the phrases *hate her*, *he may not*, and *put* or *send her away*, it may all be an older law, except for D's closing formula. The quotation of the law in Jer. iii. 1 does not prove that the prophet had also the closing formula before him, for the term *land* which the Heb. text has there, instead of *wife*, may be, as the LXX shows, the mistake of a copying scribe.

Among the Semites a man paid a price for his bride, Heb. *mōhar*, who thus was his property and he alone had the right of divorce. There were exceptions. Among the Babylonians sometimes no *mōhar* was paid, and the wife for special reasons could divorce her husband (Johns, *op. cit.* 142 f.); among the later Jews the wife might divorce if the husband was a leper, or on similar grounds (*Mishna*, 'Kethuboth,' vii. 10); and an Arab husband frequently divorced his wife on her own importunity (cp. the case cited in *Ar. Des.* I. 232) or under pressure from her relatives, who returned the *mōhar*. But the payment of the *mōhar* and the husband's sole right to divorce were the general rule. Semitic lawgivers accept the latter as an existing institution and regulate it, usually in the wife's interest. By Ḥammurabi the divorced concubine has her dowry returned with maintenance for her children (§ 137). A wife may be divorced for barrenness but takes the *mōhar* and her marriage portion, or, if there is no *mōhar*, a sum according to her husband's rank (138—140). An evil wife may be divorced without compensation, or remain a slave in her husband's house while he marries another (141). Disease is not sufficient ground for divorce; the husband may take a second wife but must either maintain the first in his own house or, if she will, send her to her father's with her marriage portion (148 f.). And we have already seen (on xxii. 22) that re-marriage was regulated in case of the man's desertion. Among the ancient Arabs divorce was allowed and the divorced couple could re-marry, but this the Ḳoran regulates by forbidding re-marriage till the wife has first married another and been divorced by him—the opposite of D's law but apparently with the same intention of making divorce a more serious and difficult affair than it was popularly conceived to be. Among the Arabs of to-day a woman is lightly passed to another husband, Doughty, *Ar. Des.* I. 237, 465, etc., etc.: Jennings-Bramley, *PEFQ*, 1905, 137, 215 ff.: 'I do not remember having met a man who had not divorced several wives.' He states this facility of divorce as one reason for the absence of intrigues among them, cp. 218. If a wife for good cause run to her relatives, her father returns the *mōhar*, 1907, 25. Arabs E. of the Dead Sea permit a divorced couple to re-marry without requiring the wife to be meantime married and divorced by another man, if a victim is first sacrificed (Janssen, *Rev. Bib.* 1906, January).

Similarly in Israel. No O.T. oracle or law institutes divorce. But the husband's right of divorce is accepted or permitted—cp. our Lord's teaching, Matt. xix. 8—and is put under regulations of which those in D are in the interest of the wife and either punish the husband for his evil behaviour to her by withdrawing the right to divorce, xxii. 19, 29, or ensure deliberation on the husband's part before he completes the act, by subjecting it to the condition of a good reason and of legal procedure, yet without lessening his responsibility, xxiv. 1 ff. The other codes have nothing similar in temper to this. H forbids a priest to marry a divorcée and allows the divorced daughter of a priest to return to her father's house, Lev. xxi. 7, 14, xxii. 13; P prescribes that the vow of a divorcée shall stand, Num. xxx. 9 (10). The second marriage of a divorcée is nowhere sanctioned, not even in xxiv. 2, where (as the Heb. syntax makes plain) it is merely a fact in the case legislated for. But this shows that the practice was usual just as among the Arabs, and in the earlier history there is an instance of the re-marriage of a divorced couple—David and Michal—after her marriage to another man (1 Sam. xviii. 27, xxv. 44, 2 Sam. iii. 14 ff.)[1]. Steuernagel thinks that, as among the Arabs under the Ḳoran, so in Israel the marriage of a divorced wife to another man and her divorce from him had been regarded as the necessary condition of her re-marriage

[1] No legal divorce is mentioned in this case. And there was none in the case of Hosea (i.—iii.) which on other grounds is of too special a nature to be relevant here.

24 When a man taketh a wife, and marrieth her, then it shall be, if she find no favour in his eyes, because he hath found some unseemly thing in her, that he shall write her a bill of divorcement, and give it in her hand, and send her out of
2 his house. And when she is departed out of his house,
3 she may go and be another man's *wife*. And if the latter husband hate her, and write her a bill of divorcement, and

to her former husband, and that D's law means that *even if* she has meantime been married to another, the former husband must not take her back. But for the existence of such a condition in Israelite practice there is no evidence. We must be satisfied with this—that D's law tends to make divorce a much more serious affair than it was usually conceived to be in Israel, and so to check the too-frequent practice of it by diminishing the possibilities of re-marriage which tempted men to divorce their wives with a light heart. D would forbid that easy passage of a woman between one man and another, which seems to have often happened in Israel, and which meant the degradation or defilement of the woman herself. If such be the motive of the law it is in harmony with D's other measures for the elevation of woman, v. 21, etc.

When a man taketh a wife] xxii. 13.

then it shall be...that he shall write her, etc.] Rather, **and it come to pass...that he write her**, etc. The apodosis does not commence here but in *v.* 4.

some unseemly thing] As in xxiii. 14 (15), *the nakedness of a thing*, something indecent or repulsive, LXX ἀσχημον πρᾶγμα. The expression is so indefinite that it gave rise to controversy in the Rabbinic schools; that of Shammai understanding by it *unchastity*, that of Hillel any physical blemish or other, even the most trivial, cause of dislike. It cannot be adultery for this was punished by death. The words suggest some immodest exposure or failure in proper womanly reserve.

bill of divorcement] Lit. *of separation*. *Bill*, Heb. *sepher*, used of any missive (e.g. 2 Sam. xi. 14 f.) or legal deed (Jer. xxxii. 11), as well as book, LXX βιβλίον. Something in legal form, and possibly procurable only from some public authority. Yet, notice, there is no mention of elders here as in the procedure in xxii. 13—21. The later Jews called such a document *get*, and the procedure in connection with it is prescribed in the *Mishna*, 'Gittin.'

and give it...her...and send her...] Two further formal steps of personal service of the deed, and the husband's own solemn dismissal. So his responsibility in the matter is not weakened.

2. **And she depart**...*out of his house*, **and go and become** *another man's*] Still part of the protasis of the sentence, stating the facts of the case.

3. Still the protasis; delete *if* and *if*.

give it in her hand, and send her out of his house; or if
the latter husband die, which took her to be his wife; her 4
former husband, which sent her away, may not take her
again to be his wife, after that she is defiled; for that is
abomination before the LORD: and thou shalt not cause
the land to sin, which the LORD thy God giveth thee for an
inheritance.

When a man taketh a new wife, he shall not go out in 5
the host, neither shall he be charged with any business:

4. *after that she is defiled*] Ambiguous indeed, as the most carefully chosen terms of some laws often are. But the natural meaning is that she is unclean to the former husband by her union with the latter. It cannot be a matter of indifference to him that she has been another's, as (presumably) the popular humour took it. Such easy passage of a woman from one man to another did defile her: it is *an abomination before Jehovah* (notice the peculiar construction *before* and the absence of *thy God* after the divine name). She was, therefore, *taboo*, or unlawful to her first husband. Marti suggests that the *uncleanness* may have a demonistic origin (cp. xxii. 9—11). This, of course, may have been the motive of the original law, but if so, it has disappeared from its present form.

thou shalt not cause the land to sin] Sam., LXX *ye shall not*, etc. Cp. xxii. 9.

which the LORD thy God **is to give** *thee*, etc.] See on iv. 21.

5—XXV. 4. THIRTEEN LAWS OF EQUITY AND HUMANITY.

Besides the humane temper common to most of them, and a few cue-words, there are no apparent reasons for their being grouped or for the order in which they occur. They have various openings, mostly conditional, otherwise negative. Three are not in the direct form of address, and two only close with this; the rest are in the Sg. form, except one mixed of Sg. and Pl. Some are peculiar to D, others have parallels in E and H. In particular note the separation of the three laws on pledges, and their use of two different terms for 'pledge.' All this suggests a compilation from different sources.

5. Exemption of the Newly Married. He shall not go out with the army, nor be under other (public) obligation for a year, for the sake of his house and wife.—See introd. to xx. 1—9, and on xx. 7, which refers to military service alone. The addition here recalls such royal levies as in 1 Sam. viii. 16, 1 Kgs v. 13 ff, xv. 22. Cp. the Babylonian levies which were for service both with the army and on public works (Johns, *op. cit.* ch. xix.). The position of the law just here may be due to its having the same opening as the previous law.

charged with any business] Lit *nor shall there pass over upon him* [obligation] *with regard to any thing*, LXX (omitting preposition before *any thing*) *nor shall any business be thrown upon him.*

he shall be free at home one year, and shall cheer his wife
6 which he hath taken. No man shall take the mill or the
upper millstone to pledge: for he taketh *a man's* life to
pledge.
7 If a man be found stealing any of his brethren of the
children of Israel, and he deal with him [1]as a slave, or sell
him; then that thief shall die: so shalt thou put away the
evil from the midst of thee.
8 Take heed in the plague of leprosy, that thou observe
diligently, and do according to all that the priests the
Levites shall teach you: as I commanded them, so ye shall
9 observe to do. Remember what the LORD thy God did
unto Miriam, by the way as ye came forth out of Egypt.

[1] Or, *as a chattel*

free **for his own household**, etc.] *free*, Heb. *nakî* (1 Kgs xv. 22) LXX ἀθῷος. *One year*, till the child be born. For *cheer his wife* Vulg. (with different Heb. points) read *be happy with his wife*.

6. Mill or Upper Millstone not to be taken in Pledge. This would be to pledge *life* itself. Milling (as largely still in Palestine) was mainly domestic, the first indispensable duty of the day; *the sound of the millstones* as sure a sign of a living family as the *light of the candle* (Jer. xxv. 10, Rev. xviii. 22; see *Jerus.* I. 375 f.). *The mill*, like the Western 'quern,' consisted of two stones, as the dual form of the Heb. name indicates (*reḥaim*, cp. Ar. *raḥâ*, Baldensperger, *PEFQ*, 1904, 263), of which the upper, Heb. *rēkeb*, *rider*, LXX ἐπιμύλιον, was the lighter and more easily lifted (Judg. ix. 53).

This law is peculiar to D, and related to the next but two (10—13), which however is in the direct form of address, as this is not, and uses *'abat* for *pledge* instead of *ḥabal* (lit. *bind*) as here. The position of the law is natural after the previous one. In Israel, lands, houses and children were mortgaged (Neh. v. 3, 5), in Babylonia and Assyria slaves, lands and houses (Johns, *op. cit.* ch. xxiv.). Of such pledges there is nothing in D, but note the next law. 'The ancient Common Law of England provides that no man be distrained by the utensils or instruments of his trade or profession...Cook (*sic*), 1 *Inst.*, fo. 47.' (M. Henry.)

7. Against Manstealing. If a man be found (see xxi. 1, xxii. 22) stealing a *brother* (see on xv. 2) Israelite, *and playing the owner* (see xxi. 14) he shall die: *so shalt thou put away the evil*, etc. (xiii. 5 (6)). The parallel in E, Ex. xxi. 16, has *stealing a man*; for D's substitution of Israelite see on xv. 2, xxii. 1—4. Ḥammurabi (§ 14) decrees death to the kidnapper.

8, 9. Precautions in Leprosy. Israel shall diligently observe these as taught by the priests under divine command, remembering how God treated the leprous Miriam on the way from Egypt.—Full of deuteronomic phrases; on *take heed*, see iv. 9; *observe and do*, iv. 6; *observe to*

When thou dost lend thy neighbour any manner of loan, 10
thou shalt not go into his house to fetch his pledge. Thou 11
shalt stand without, and the man to whom thou dost lend
shall bring forth the pledge without unto thee. And if he 12
be a poor man, thou shalt not sleep with his pledge: thou 13
shalt surely restore to him the pledge when the sun goeth
down, that he may sleep in his garment, and bless thee:

do, v. 1; *priests = Levites*, xviii. 1; *as I have commanded*, viii. 1; *remember*, vii. 18, xxv. 17; in *the way as ye came*, etc., xxiii. 4 (5), xxv. 17, etc. The accumulation of these formulas, as in several secondary passages, along with the changes between the Sg. and Pl. forms of address (confirmed by Sam., LXX), suggests that the passage has been expanded by editors. In 8 *b* read *all* **the Torah** (Sam., LXX) *that the priests the Levites* **teach** *you*. If 8 *b* is original to D this Torah need not be the detailed instructions on leprosy now found in P, Lev. xiii. f., but some earlier priestly Torah from which those have developed; but if 8 *b* is secondary its reference will be to Lev. xiii. f. *V.* 9 refers to Miriam's seclusion from the camp, Num. xii. 14 f. (So even Calvin.)

Steuern. holds as original only the first clause of 8 and 9*a*, and revives the opinion (as old as the Vulgate, and favoured by Michaelis, Knobel, etc.) that the law is a call, not to take such precautions *in* a plague of leprosy as are illustrated by Miriam's seclusion, but (by general obedience) to guard *against* the leprosy which fell on Miriam as the punishment for disobedience. Against this is the Heb. construction, *in the plague of leprosy*; so Steuern. suggests that the original reading was *from the plague*, etc. But all this interpretation renders the appeal to Miriam's case much less natural.

10—13. Of Taking and Restoring Pledges. The lender must not invade the borrower's house to select a pledge for the loan, the borrower shall bring it out (10 f.); if he be poor, the pledge, usually his outer robe in which he sleeps, shall be restored by sunset (12 f.).— In the Sg. address throughout and in temper and phrase characteristic of D; but the two parts may be borrowed from earlier sources: *vv.* 10 f. because of *neighbour*, not *brother* as usual with Sg. (see on xv. 2); and 12 f. adapted from E, Ex. xxii. 26 f. (25 f.; E's *ḥabal*, *pledge*, becomes *'abat*, so as to fit *vv.* 10 f.), with the religious motive differently expressed. See further on *v.* 6. Cp. Ez. xviii. 7, 12, xxxiii. 15; Code of Ḥammurabi, § 241.

10. *When thou dost lend*] See on xv. 1 ff.

any manner of loan] Lit. *loan of anything*, cp. xxiii. 19. Besides money or victuals, it might be a slave, a working animal or a plough or other instrument.

fetch his pledge] Lit. *take in pledge his pledge* (xv. 8, *give a pledge*). In this case the borrower would make his selection of what his pledge should be.

13. *sleep in his garment*] Heb. *salmah* (xxix. 4 and E, Ex. xxii.), transp. from the more frequent *simlah* (viii. 4, x. 18, xxi. 13, xxii. 3, 17),

and it shall be righteousness unto thee before the LORD thy God.

14 Thou shalt not oppress an hired servant that is poor and needy, whether he be of thy brethren, or of thy
15 strangers that are in thy land within thy gates: in his day thou shalt give him his hire, neither shall the sun go down upon it; for he is poor, and setteth his heart upon it: lest he cry against thee unto the LORD, and it be sin unto thee.

16 The fathers shall not be put to death for the children, neither shall the children be put to death for the fathers: every man shall be put to death for his own sin.

the large outer robe which the peasant can dispense with by day while at work, but which he almost invariably sleeps in; cp. Am. ii. 8, Job xxii. 6, Prov. xx. 16.

and it shall be righteousness unto thee] Characteristic of D (cp. vi. 25). E, Ex. xxii. 27 (26): *when he crieth unto me I will hear: for I am gracious.*

14, 15. Payment of the Wage-earner. Whether Israelite or *gēr*, if he be poor, his wage is to be paid the day he earns it; if he has to appeal to God it will be sin to thee.—Sg. with *brother* (not *neighbour*) and other deuteronomic phrases. Parallel to H, Lev. xix. 13: *thou shalt not oppress thy neighbour...the wage of a hireling shall not stay overnight with thee till morning.* Cp. Mal. iii. 5, Tobit iv. 14, James v. 4. Hammurabi fixes the daily money wages of labourers and artisans (273 f.), in other cases wages in kind are paid yearly (257 f., 261).

14. *poor and needy*] See on xv. 11.

within thy gates] See on xii. 17. The preceding *in thy land*, omitted by Sam., LXX, is a gloss.

15. *his day*] Cp. Job xiv. 6, Matt. xx. 2.

setteth his heart] Lit. *lifteth up his desire* (*nephesh*). The Heb. term with its several meanings suggests how his life depends on his wage. Being poor he cannot be indifferent to it.

cry against thee, etc.] Cp. *v.* 13, xv. 9. *And it be sin unto thee*, see on xv. 9.

16. Responsibility for Crime is Individual. The opposition of this principle to that which prevailed in many ancient nations (Herod. III. 119, Esth. ix. 13 f., Dan. vi. 24 (25)), and which seems to have prevailed in Israel (JE, Josh. vii. 24, 2 Kgs ix. 26, cp. xiv. 6), when the family was regarded as a moral unit, and the children were put to death with their father in expiation of his crime, is very striking, and the more so that the ethical solidarity of the nation is so constantly assumed by D. It has therefore been doubted whether the law

Thou shalt not wrest the judgement of the stranger, *nor* 17
of the fatherless; nor take the widow's raiment to pledge:
but thou shalt remember that thou wast a bondman in 18
Egypt, and the LORD thy God redeemed thee thence: there-
fore I command thee to do this thing.

When thou reapest thine harvest in thy field, and hast 19
forgot a sheaf in the field, thou shalt not go again to fetch
it: it shall be for the stranger, for the fatherless, and for
the widow: that the LORD thy God may bless thee in all the
work of thine hands.

belonged originally to D. Some take it as dependent on Jer. xxxi. 29, or Ez. xviii. on the ground that the principle of individual responsibility is there proclaimed as if for the first time, in opposition to the older ideas. But 2 Kgs xiv. 6 records that Amaziah when putting to death the assassins of his father did not also slay their children—apparently an innovation on the usual practice. The deuteronomic editor of Kings quotes D's law as the King's authority for his clemency. But general laws so often rose from individual cases that it is possible that this law (which is not found in any other code) was the result of Amaziah's innovating example, and is, therefore, one of the several incorporated by D from earlier sources. Note that it is not in the direct form of address nor otherwise deuteronomic in its phrasing. See further *Jerus.* II. 113 ff.

17, 18. Against Injustice to the *Gēr*, the Orphan and the Widow, the three classes so earnestly cared for by D, *vv.* 19—22, x. 18, *q.v.*, xiv. 29, xvi. 11, 14. Parallels in E, Ex. xxii. 21 f., xxiii. 6 (*the poor*), 9, on which see Driver's *Exod.*; and in H, Lev. xix. 33. The clause against pledging the widow's raiment is omitted by some LXX codd. and some suggest that its proper place is with 10—13. Its word for *pledge*, however, is not *'abat* as there but *ḥabal* as in *v.* 6, and its appearance here is natural. On widows' rights in Babylonia, see Johns, *op. cit.* ch. xii.

17. nor *of the fatherless*] So LXX, Syr., etc. Heb. omits *nor*. Add (with LXX B) **nor of the widow.**

18. *thou shalt remember*, etc.] Almost exactly as in *v.* 22, and xv. 15; cp. v. 15.

19—22. Of Generosity to the Landless. To the *gēr*, the orphan and the widow shall be left the gleanings of fields, olive-groves and vineyards. It is interesting that no parallels are found in the earlier legislation of J or E. H, Lev. xix. 9 f. forbids the full reaping of the corners of the field and gathering of the gleanings (repeated xxiii. 22) and the gleaning of the vines and their fallen fruit; these are for the poor and the *gēr*. This seems not earlier (Dillm., etc.), but later than D, for the deliberate reservation of *the corners* is a more developed provision than the allotment of what was left through carelessness. Why D alone includes olives is not clear, except that this agrees with its careful

20 When thou beatest thine olive tree, thou shalt not go
over the boughs again: it shall be for the stranger, for the
21 fatherless, and for the widow. When thou gatherest *the*
grapes of thy vineyard, thou shalt not glean it after thee:
it shall be for the stranger, for the fatherless, and for the
22 widow. And thou shalt remember that thou wast a bond-
man in the land of Egypt: therefore I command thee to do
this thing.

regard of the details of rural life. Both laws sanction an existing practice described in Ruth ii. as dependent on the generosity of the cultivator.

Was there anything more behind it? Attention has been drawn to the fact that some peoples leave the last sheaf on the field under the superstition that it contains the corn-spirit, and being therefore dangerous is easily relinquished to strangers (Frazer, *Golden Bough*, II. 171 f., 232 f.). I am told that in the shires of Lincoln and Norfolk it was the practice till 60 or 80 years ago to shape part of a sheaf into a 'corn-baby' and to bury it in the field, in order to ensure the next crop. It is possible that in some cases the custom of leaving the gleanings to the poor may have started from such superstitions. But those who see in these the sole origin of the custom ignore the natural promptings of the hearts of simple, peasant peoples to care for the needy. There are no traces of the superstition in D, H or Ruth ii. D's appeal to the self-interest of the harvesters (*that thy God may bless thee*, etc.) is rather one of his many illustrations of his favourite principle that obedience to God's ethical demands will be rewarded by prosperity (cp. xiv. 29, xv. 4 f., 10, 18, xxiii. 20; cp. xvii. 20). Otherwise the motives of the laws are purely humane and in both sets the humanity is enforced by religious considerations. In D the motive is characteristically gratitude to God (*v.* 22), in H it is as characteristically the simple fact: *I am Jehovah thy God.*—The duties enforced are observed at this day in Palestine. 'The poorest among the people, the widow and the orphan, are not infrequently seen following the reapers'; and 'the poor are often seen after the gathering in of the crop going from tree to tree and collecting the few olives that may have been left' (Van Lennep, *Bible Lands*, etc., 78, 128). 'It is natural with them not to gather stray ears or to cut all the standing ones which would be looked upon as avarice; every bad act is avoided as much as possible "before the blessing," as the corn is very often called; the law of Moses...is innate with them. The produce of the gleanings...may enable a widow to have bread enough for the winter' (Baldensperger, *PEFQ*, 1907, 19). On the Arabs' kindness to the sojourner see Doughty, I. 345.

20. *beatest thine olive tree*] Isai. xvii. 6, xxiv. 13 (but with another vb. for *beating*). 'Some climb into the trees and shake the boughs, while others stand below and beat off the fruit with long slender poles' (Van Lennep, *op. cit.* 128).

21. *When thou gatherest*] Lit. *cuttest off*, the usual vb. for harvesting grapes (Judg. ix. 27). *Ingathering*, applied to the vintage feast (see on xvi. 13), is another vb.

22. *And thou shalt remember*] See on *v.* 18.

XXV. **1—3.** Against Excessive Punishment by Beating. When after a regular trial one of the two parties to a case is formally declared guilty, then, if he deserves beating, the judge shall have this administered in his presence, the strokes shall be numbered according to the gravity of the crime, and shall in no case exceed forty, *lest...thy*

If there be a controversy between men, and they come 25
unto judgement, and *the judges* judge them; then they
shall justify the righteous, and condemn the wicked; and 2
it shall be, if the wicked man be worthy to be beaten,
that the judge shall cause him to lie down, and to be
beaten before his face, according to his wickedness, by
number. Forty stripes he may give him, he shall not 3
exceed: lest, if he should exceed, and beat him above these
with many stripes, then thy brother should seem vile unto
thee.

Thou shalt not muzzle the ox when he treadeth out *the* 4
corn.

brother be dishonoured in thy sight.—*V.* 1 is the protasis, the apodosis begins with *v.* 2 (or possibly not till *v.* 3; cp. the similar construction in other legal cases, xxii. 13 ff., xxiv. 1 ff.). The text of *v.* 2 is not certain; see the various LXX readings. Peculiar to D, and another of its many laws in which the direct address appears only at the close. The want of a subject to *judge*, *justify* and *condemn* in *v.* 1 suggests that at least the first part is an extract from some earlier law on the procedure of judges. The protection against excessive beating is fourfold. It shall take place (1) only after trial and sentence, (2) in presence of the judge, (3) the strokes shall be by number, and the number in proportion to the crime and (4) shall not exceed forty. The need for insisting on a full trial is seen from Jer. xx. 22, xxxvii. 15, cp. Acts xvi. 22 f., 37; as these show, beating or scourging was apt to be given (even by the Romans) on arrest. The instrument usually mentioned in the O.T. was a rod, and the part beaten was the back (Ex. xxi. 20, Prov. x. 13, xix. 29, xxvi. 3, 'Isai.' l. 6). There is no need to infer from the laying down of the criminal in this case that the bastinado is meant.

1. *controversy*] **litigation.**

and shall have declared righteous him who is in the right and declared guilty him who is guilty] The vbs. and adjs. are to be taken in a legal sense: see above on ix. 5.

2. **then** *it shall be, if the* **guilty** *man be worthy to be beaten*] Lit. *a son of strokes.*

3. *Forty stripes*] By later law the number was fixed at 'forty less one' (*Mishna*, 'Makkoth,' iii. 10 ff., cp. 2 Cor. xi. 24, Josephus, IV. *Antt.* viii. 21, 23) they were now inflicted with a lash. Hammurabi decrees in one case 'sixty blows of an ox-hide scourge' (§ 202).

thy brother should seem vile unto thee] Rather, **be dishonoured** (xxvii. 16), **publicly** (lit. *to thine eyes*). To give him the due punishment of his crime (*v.* 2) was not to take away his *honour* as a *brother*, i.e. Israelite; but to flog him indiscriminately was to treat him like an animal.

4. Against Muzzling the Labouring Ox. Peculiar to D; a clear

case of kindness to animals of which others in D are v. 14, and perhaps xxii. 6 f., cp. Prov. xii. 10. The motive in xxii. 4 is different. Animals were, and are still, employed for threshing by being driven to and fro across the sheaves on the threshing floor, either alone or harnessed to a threshing sledge.

The present writer has never seen them muzzled. 'In all W. Asia it is the universal custom to allow the oxen or other animals thus employed freely to eat of the crop' (Van Lennep, *op. cit.* 81). 'I have seen them muzzled, though this is rare' (Conder, *Tent Work*, etc., 329). 'Not muzzled as a rule' (Baldensperger, *PEFQ*, 1907, 20). In 1 Cor. ix. 9 f. Paul in illustrating from this law the principle that the labourer is worthy of his hire asks, *Is it for oxen that God careth?* According to D, undoubtedly He does. Paul may be writing playfully; if not it is a remarkable illustration of the effect of the allegorising habit of the later Jewish exegesis.

5—10. Of Levirate Marriage.

If, of brothers dwelling together, one die childless, his widow shall not marry beyond the family, her husband's brother shall marry her, and their firstborn be the dead man's heir and continue his name in Israel (5 f.). But if the husband's brother decline this duty, even if after it is pressed on him by the elders, then, in their presence, shall the widow formally dishonour him as a recusant to the family, and the dishonour shall adhere (7—10).—Peculiar to D's code, but neither in the direct address nor with D's phraseology. It has the same opening, the same care in putting the case, the same style of introducing conditions (*but if* and not D's *only* = *rak*, see on x. 15) and of accumulating these, as the other marriage laws, xxi. 15—17, xxii. 13—21, xxiv. 1—4; and, like them, it brings in the *elders*. Probably, therefore, as we have suggested in regard to them, it is a law taken by D from a previous code. Cp. Dillmann who also points out that the terms *like not to, refuseth* and *go up to the gate* are not current in D. There is nothing to betray whether D has modified the law. Steuern. assigns it, with those other laws, to his Pl. author.

Heb. had not only a special term for a husband's brother, *yabam*, but a vb. derived from it, *yibbem*, to express his duty of marrying his brother's widow; the adj. *Levirate* similarly comes from Lat. *levir*, husband's brother.

The use of these Heb. terms by this law proves that the practice was already established in Israel.

Levirate marriage in different forms is found among many peoples. Hindoo law sanctions it in case of no male issue by the first marriage, and only till the birth of a son. But in India of course, the re-marriage of even virgin widows has always been strongly opposed (Dubois, *Hindu Manners, Customs and Ceremonies*, trans. by Beauchamp with notes, 2nd ed. 24, 215, 358). Sometimes it is compulsory, sometimes only permissive, sometimes limited to the younger brother, sometimes enforced only where the widow has children, in order to provide for their education. In some Arab tribes 'when a married brother dies, at the grave his surviving brother asks her relatives to give him the widow in marriage and says, "Give me compensation through her, etc.," and his request is granted' (Musil, *Ethn. Ber.* 426). No motive nor condition is stated. The custom has been traced to different origins—to the practice of polyandry, to the need of performing rites to the spirit of the deceased

If brethren dwell together, and one of them die, and 5
have no son, the wife of the dead shall not marry without
unto a stranger: her husband's brother shall go in unto
her, and take her to him to wife, and perform the duty of an
husband's brother unto her. And it shall be, that the 6

(for Levirate marriage and ancestor worship are often found together), and to the principle of 'Baal-Marriage,' that the wife was the property of her husband and so passed with the rest of his estate to the nearest of kin. The different forms of the institution among different peoples prove that it had different origins. In Israel there is no trace of an origin in polyandry; and but little evidence of a connection with ancestor worship. On the whole subject see Maine, *Early Law and Custom*, chs. iii. f.; W. R Smith, *Kinship*, etc., 122—135; Westermarck, *Human Marriage*; Benzinger and Nowack's works on Hebrew Archaeology; and Driver's summary notes, *Deut.* 280—285.

An early instance is given by J, Gen. xxxviii., which (*v.* 8) uses the same term for the duty of a husband's brother, but implies that if brothers fail the duty might be assumed by another agnate and even by the husband's father: further that not the firstborn only, but all the children of the new marriage, belonged to the dead man. In Ruth i. 11—13 and iv., where the Heb. term for Levirate marriage is not used (though the cognate *sister-in-law* occurs in i. 15), the right of Na'omi's widowed daughters-in-law to any further sons she might have had is implied; and in the want of these, regarded as a divine affliction, the right of marrying Ruth passes to the next of kin, with that of the redemption of the dead husband's property; and again the son of the widow's marriage with the kinsman is regarded as his son and not that of her first husband. In D's law the duty of marrying the childless widow is limited to that brother of her dead husband who had been living with him, on the same estate; and the right of succession to the dead man is limited to the firstborn of the new marriage. In H, Lev. xviii. 16, marriage with a brother's wife is forbidden, and, Lev xx 21, is a defilement, cursed with childlessness. By some this has been regarded as the general rule, to which D's provides in the interest of the family a carefully limited exception (Driver, *Deut.* 285, *Levit.* 88). It seems more likely that D's law is (as we have seen) a modification of the old practice, entirely independent of H's law. P, by allowing daughters to inherit (Num. xxvii. 1—12), abolished part of the need for Levirate marriages; but obviously D knows nothing of P's law; for his own is limited to sons. Among the later Jews the law of D was observed but with the difference introduced by P. Not a sonless, but only a childless, marriage was now its occasion. See on *v.* 5.

5. *brethren*] of the same mother. In the Sg. passages, as we have seen, *brother* is fellow-Israelite.

dwell together] On the same estate (cp. Gen. xiii. 6, xxxvi. 7); this limitation is striking.

son] LXX *seed*, followed by Jos. IV. *Antt.* viii. 23, and in Matt. xxii. 24, Mark xii 19. Luke xx. 28 has *children*. So Vulg. and most moderns, A.V. *child*. But the LXX and the quotations in the gospels are evidently under the influence of the later law of P which allowed inheritance by daughters. See introd. note. *Son*, R.V., is the proper rendering.

without unto a stranger] Outside the family. *Stranger*, *'ish zar*, is a man of another family. Cp. Prov. v. 10, Hos. v. 7, Lev. xxii. 12.

husband's brother...perform the duty of an husband's brother] Heb. *yabam*, and the demon. verb therefrom, *yibbem*, *to act as a husband's brother*.

firstborn which she beareth shall succeed in the name of his brother which is dead, that his name be not blotted out
7 of Israel. And if the man like not to take his brother's wife, then his brother's wife shall go up to the gate unto the elders, and say, My husband's brother refuseth to raise up unto his brother a name in Israel, he will not perform
8 the duty of an husband's brother unto me. Then the elders of his city shall call him, and speak unto him: and
9 if he stand, and say, I like not to take her; then shall his brother's wife come unto him in the presence of the elders, and loose his shoe from off his foot, and spit in his face; and she shall answer and say, So shall it be done unto the
10 man that doth not build up his brother's house. And his

6. *firstborn* **son**] So Sam. (as in xxi. 15) in conformity with *v.* 5. LXX, *τὸ παιδίον*, still adapts the law to that of P.

succeed in the name, etc.] Lit. *stand up, take position, place or rank* on the name of the dead.

that his name be not blotted, etc.] See ix. 14, xxix. 20. Ruth iv. 5, 10: *to raise up the name of the dead upon his inheritance*. Cp. next *v.*

7. *shall go up to the gate*] Ruth iv. 1, only here in D; so also the terms *like not* and *refuseth* (see introd. note).

elders] xxi. 19, xxii. 15. See on xvi. 18.

8. This *v.* really continues the protasis of the cond. sentence which starts in *v.* 7; the apodosis begins with *v.* 9.

9. *come unto*] The same vb. in xx. 2, xxi. 5, of the formal approach of priests.

and strip his sandal *from off his foot*] 'As one occupied land by treading on it, the shoe became the symbol of taking possession (Ps. lx. 8, cviii. 9); when a man renounced property to another, he drew off and gave him his shoe. So among the ancient Germans the taking off of the shoe was a symbol for giving up property and heritable rights, and with the delivery of the shoe or the throwing of it away goods were conveyed to another. Similarly among Hindoos and Arabs, Burckhardt, *Bed.* 91' (abridged from Knobel). Cp. the Bedawee form of divorce: 'She was my slipper, I cast her off' (W. R. Smith, *Kinship*, etc., 269). That the right was a duty, which should not be renounced, is marked by the woman's drawing off the sandal, and spitting in the face of the recusant (Num. xii. 14, Job xxx. 10, 'Isai.' l. 6). *Sandal*, Heb. *na'al*, Ar. *na'l*.

answer] **testify** or solemnly assert as in v. 20, etc.

the man that doth not build up, etc.] Such was his sin. But the excuse of the kinsman who refused to take Ruth and her possession was that he was unwilling to mar his own heritage (Ruth iv. 6). *Build up*, Ruth iv. 11.

name shall be called in Israel, The house of him that hath his shoe loosed.

When men strive together one with another, and the wife 11
of the one draweth near for to deliver her husband out of the hand of him that smiteth him, and putteth forth her hand, and taketh him by the secrets: then thou shalt cut 12
off her hand, thine eye shall have no pity.

Thou shalt not have in thy bag divers weights, a great 13

10. *his name shall be called in Israel*] Ruth iv. 14.
the **family** *of him* **whose sandal was stripped off.**

11, 12. Of Reckless Assault.

The woman who, even to help her husband, grasps the secrets of another Israelite wrestling with him shall have her hand cut off.—Peculiar to D, and in the Sg. address with *brother* as in other Sg. passages; but with an opening, and an accumulation of conditions similar to those in other laws probably borrowed by D. The additions may be the superfluous *a man and his brother* (*v.* 11, R.V. *one with another*) and *thine eye shall not pity* (*v.* 12, cp. vii. 16). *Strive*, rather **are wrestling** (as in E, Ex. xxi. 22; cp. Ex. ii. 13, Lev. xxiv. 10, 2 Sam. xiv. 6). *Secrets*, lit. *pudenda*, only here. The position of the law just here may be due to the catchword *his brother*, cp. *v.* 9.

This very special case is probably meant to be typical of others (cp. xix. 5). The punishment is the only mutilation prescribed by D apart from the *jus talionis* (xix. 21). It is usually supposed to have had its origin at a time when such an act was the violation of a very sacred taboo. In Hammurabi, §§ 202—205, there are (if the translation can be relied on) parallel crimes. Mutilation is also decreed there for other crimes.

13—16. Against Divers Weights and Measures.

Israel shall not use these—greater (for purchases) and smaller (for sales)—for he who does so is an abomination to Jehovah (13 f., 16). Interpolated (for it breaks the connection between 13 f. and 16) is a positive command to have a single normal set of weights and measures; *that thy days may be long*, etc.—Sg. address throughout. Parallel in H, Lev. xix. 35 f., also a negative command with a positive added; but a different expression of the religious motive. The laws may be quite independent; for the provocations for them were many in Israel.

Amos viii. 5 describes among other commercial sins making *the ephah small* (for selling) *and the shekel great* (for weighing the purchasers' money, etc.) and *dealing falsely with false balances*; Mi. vi. 10 declares *the scant measure loathsome*. To the popular piety weights and measures, like the husbandman's methods (see on xxii. 9—11), were of divine institution, they were *Jehovah's and his work* (Prov. xvi. 11).

13. *divers weights*] Lit. *stone and stone.* Most ancient weights dis-

14 and a small. Thou shalt not have in thine house divers
15 measures, a great and a small. A perfect and just weight
shalt thou have; a perfect and just measure shalt thou
have: that thy days may be long upon the land which the
16 LORD thy God giveth thee. For all that do such things,
even all that do unrighteously, are an abomination unto the
LORD thy God.

covered in Palestine are of stone; for specimens see *PEFQ*, 1892, 114; 1894, 215 ff.

Royal standards were fixed for them as early as David's time (2 Sam. xiv. 26). With this and the next *v.* cp. H, Lev. xix. 35: *Thou shalt do no wrong* (*'awel*) *in judgement or with rule, stone, or measure.*

14. *divers measures*] Lit. *an ephah and an ephah*; the ephah = 8·005 gallons.

15. *A perfect and just weight*] Lit. *A whole stone and of the norm.* Both adj. *shelemah* and noun *ṣedek* are used here in their original and physical meaning. H, Lev. xix. 36: *balances, stones, ephah* and *hin—of the norm.*

that thy days, etc.] v. 16. See on iv. 26. *Giveth*, **is to give.**

16. every one that doeth these things, etc.] Exactly as in xviii. 12, xxii. 5. On *abomination*, see vii. 25; here the ethical (not ritual) meaning is clear.

every one that doeth injustice] Heb. *'awel* (perhaps lit. *delinquency*). Not elsewhere in D (but in the Song, xxxii. 4), once in Jer. ii. 5, and in H, Lev. xix. 15, 35, and Ezek. and later writings. The clause seems to be an addition.

17—19. ON 'AMALEḲ.

Israel, remembering 'Amaleḳ's impious treatment of their derelicts on the way from Egypt, must, when they rest from their enemies in the land, exterminate 'Amaleḳ.—In the Sg. address (except for an accidental Pl. in *v.* 17) and partly in D's phrasing; but also with phrases from E (*vv.* 18 f.), and therefore, like so much else in D, based upon E. This is confirmed by another reference to the same behaviour of 'Amaleḳ in a passage which otherwise shows affinity to E (1 Sam. xv. 2). Further, Israel's attitude to 'Amaleḳ under Saul and David, was one of implacable hostility. There is therefore no ground for supposing that this law is a late addition to D (Steuern., Berth., the latter of whom takes it for a piece of *haggadah*); and it falls in with D's other laws on foreign nations, xxiii. 3—8.

The reference cannot be to E's description of the pitched battle in Rephidim, in which Joshua discomfited 'Amaleḳ (Ex. xvii. 8—13), nor indeed to any other single contest with that tribe; but is rather to the harassment which Israel suffered throughout the wilderness. Such cruel treatment of the stragglers and derelicts of the host by the wild Arabs of the desert is extremely probable (cp. Doughty,

Remember what Amalek did unto thee by the way as ye 17
came forth out of Egypt; how he met thee by the way, 18
and smote the hindmost of thee, all that were feeble behind thee, when thou wast faint and weary; and he feared not God. Therefore it shall be, when the LORD 19
thy God hath given thee rest from all thine enemies round about, in the land which the LORD thy God giveth thee for an inheritance to possess it, that thou shalt blot out the remembrance of Amalek from under heaven; thou shalt not forget.

Ar. Des. II. 153, etc.): and the memory of it would be bitter enough to account for such an early oracle against 'Amalek as is quoted by E, Ex. xvii. 14, and for this law, as well as for the lasting hatred of 'Amalek by Israel (enforced as this was by 'Amalekite raids on Israel after their settlement) and their desire for his extermination. See 1 Sam. xiv. 48, xv. 2 f., xxvii. 8 f., xxviii. 18 (which regards Saul's fall as due to his not having fully executed God's wrath on 'Amalek), xxx. 1 f., 2 Sam. viii. 12. Such feelings may well have continued after 'Amalek's disappearance from the history of Israel: D's restatement of them is on a level with the command to exterminate the Canaanites and other peoples of the land.

17. *Remember*, etc.] The construction, even to the change from Sg. to Pl., is the same as in xxiv. 9, *q.v.* For other historical statements introd. by *remember*, see v. 15, vii. 18, ix. 7, xv. 15, xvi. 12.

as ye came forth] LXX, Vulg. *thou camest*. But the Pl. is probably original here, and may be regarded as an echo of xxiii. 4 (5), xxiv. 9.

18. *how he met thee by the way*] better, **fell on** *thee*. Cp. 1 Sam. xv. 2: *how he set himself against him* (Israel) *in the way*.

and smote the hindmost of thee] Lit. *docked the tail of thee*; elsewhere only in Josh. x. 19 (E?).

all that **had broken down in thy rear**] The vb. is not found elsewhere.

feared not God] See E, Gen. xx. 11, xlii. 18, Ex. i. 17, all of non-Israelites; and cp. Amos' denunciations of foreign peoples for inhumanity (Amos i. 3—ii. 3). A people so devoid of natural religion as to kill the non-combatants deserved no mercy, as the next *v.* declares.

19. *hath given thee rest*] See on xii. 9 f.

in the land which, etc.] iv. 21.

thou shalt blot out the remembrance of Amalek, etc.] E, Ex. xvii. 14: *I will utterly blot out*, etc. God's will is now Israel's duty.

thou shalt not forget] ix. 7.

IV. FOURTH DIVISION OF THE LAWS. IDEALS OF RITUAL PROCEDURE WITH PROPER PRAYERS. xxvi. 1—15.

The Presentation of Firstfruits (1—11) and the Distribution of Tithes (12—15). Throughout in the style of D (with particular affinity to the

Law of Tithes, xiv. 22—29) and in the Sg. address; for additions, see below. These beautiful forms of service express fully D's ideals of worship—that it shall be national, at the nation's one sanctuary, but performed by the separate families with their local dependents; that it shall be historical, recounting the Providence of God from the beginnings of the nation till their settlement in the Promised Land, and therefore joyful and eucharistic; and further that it shall be equally mindful of God and His dues and of the poor and their dues. No two rites could have better summed up the ritual teaching of D in its essential features, nor, with the ethical supplement which follows, have formed a fitter close to the whole Code.

On the ground of the similarity between xxvi. and vi.—xi. (esp. viii. 1—18) Cullen (*Bk. of the Covt. in Moab*, 79 ff.) refers the whole of xxvi. to his 'Miṣwah' or earlier deuteronomic Book published before the reforms of Josiah. He gives a detailed examination of the ch. well worthy of study. He points out the number of expressions in xxvi. not found in the Code but in vi.—xi. Others, however, common to xxvi. and the Code are not found in vi.—xi., and the whole subject of xxvi. 1—15 is otherwise more suitable to the Code than to vi.—xi.

Ch. XXVI. 1—11. Presentation of Firstfruits.

When settled in the land Israel shall take of the first of the fruit in a basket to the One Altar (1 f.); and coming to the priest shall declare to God their arrival in the land He sware to give them and the priest shall set the basket before the Altar (3 f.). In prayer Israel shall solemnly recall their history from their nomad Aramean origins, their descent to Egypt, their growth there and bitter bondage, their deliverance and guidance to this fertile land (5—9); and setting the firstfruits before God they shall worship and rejoice in the good He has given, along with their households, Levites and *gērîm* (10 f.). *Vv.* 1 f. show evidence of expansion (see on *v.* 2). *Vv.* 3 f. raise a more serious question. To the *going to* the sanctuary (*v.* 2, as in xii. 5, xiv. 25) they add *a coming to the priest*, and assign to him a part of the procedure which *v.* 10 assigns to the worshippers; also they partly anticipate the worshippers' profession to God in *vv.* 5 ff.[1] It is possible that, like xxi. 5 (*q.v.*), they are a later insertion from a time when the rights of the priests were more emphasised and elaborated. But whatever answer be given to this textual question, other problems remain: the relation of this *first* or *reshîth* (*a*) to the *reshîth* assigned by xviii. 4 to the priests (cp. H, Lev. xxiii. 20 which assigns to the priests the bread of the *bikkûrîm* or *firstfruits*); and (*b*) to the tithes, xiv. 22 ff.

(*a*) Is all the *reshîth* intended here for the priests (Dillm., Dri., W. R. Smith, *Rel. Sem.* 220 f.), or is some or all of it to be consumed by the worshippers at the ritual meal which formed part of such pilgrimage-feasts (xii. 7, 18, xiv. 23, 26)? In favour of the former hypothesis are these:—(1) *vv.* 10 f. say that the *reshîth* is to be set down before God and do not even hint that the worshippers shall partake of it; (2) xviii. 4 assigns the *reshîth* (of corn, wine, oil, fleece) to the priests. In that case

[1] This point is not so clear as the others. The older commentators take the worshippers' profession in *v.* 3 as a natural introduction to that in 5 ff. So also Cullen, p. 81.

And it shall be, when thou art come in unto the land **26**
which the LORD thy God giveth thee for an inheritance,
and possessest it, and dwellest therein; that thou shalt 2
take of the first of all the fruit of the ground, which thou shalt
bring in from thy land that the LORD thy God giveth
thee; and thou shalt put it in a basket, and shalt go
unto the place which the LORD thy God shall choose to
cause his name to dwell there. And thou shalt come 3
unto the priest that shall be in those days, and say unto

the meal of the worshippers would be that of the pilgrimage-feast at which the *reshîth* was presented; some think the Feast of Weeks (Dri., Berth., etc.), but by its date the wine and oil were not ready.

(*b*) What was the relation of the *reshîth* to *the tithes*, presented at the sanctuary two years out of every three? The reasons for identifying them (Steuern., Nowack, *Heb. Arch.* II. 126) are insufficient; those for distinguishing them are stronger but also not conclusive:—(1) If they were the same it is difficult to see why D should use two different terms for them without explanation; and even the LXX translators distinguish the two, *tithes* δεκάτη, *reshîth* ἀπαρχή. (2) The *tithes* were to be consumed by the worshippers; if they were too large to be carried to the sanctuary they might be converted into money, to be spent there on foods for the worshippers (xiv. 23—27), the priest no doubt getting his share; but (as we have seen) the *reshîth* fell wholly to the priests (xviii. 4). Ambiguity, however, rises from the direction in xxvi. 2, that it is *part of the reshîth* which is to be put into a basket and laid before God; for this renders it possible to argue that this was just part of the tithes. In the obscurity which rests upon the earlier history of the tithes in Israel (see Add. Note to xiv. 22 ff.) the question cannot be dogmatically answered. It is possible that the *reshîth* is rather to be identified with the *terûmah*, *contribution* (EVV. 'heave-offering') *of the hand*, xii. 6, 11, 17 (Berth.).

1. *when thou art come in*, etc.] As in xvii. 14, but with these additions: *and it shall be* and *for an inheritance* (xv. 4). As Cullen (p. 88) points out the substance of the statement is already in viii. 1.

2. *of the first*] Heb. *of the reshîth*. See introd. note; and observe that the Heb. particle for *of* implies that only *some of the reshîth* is signified.

all the fruit] Sam., LXX omit *all*; xviii. 4: of corn, wine, oil and fleece.

thou shalt bring in] Heb. *tabî'*; cp. *t'bû'ah*, *income*, xiv. 22, 28, xvi. 15, xxii. 9.

that the LORD thy God **is to give** *thee*] Redundant after *v.* 1. The two *vv.* are obviously expanded.

basket] Heb. *tene'*, only here, *v.* 4, and xxviii. 5, 17 (cp. Phoen. *tana*, 'to erect,' perhaps 'present,' hardly from *nathan*, 'to give'). Baldensperger (*PEFQ*, 1904, 136) compares the modern ṭabaḳ, a round tray or basket.

unto the place, etc.] See on xii. 5.

3, 4. Possibly a later interpolation, see introd. note.

3. *the priest...in those days*] xvii. 9, xix. 17. *Priest* probably collective (cp. *prophet*, xviii. 15), not necessarily high-priest.

him, I profess this day unto the LORD thy God, that I am
come unto the land which the LORD sware unto our fathers
4 for to give us. And the priest shall take the basket out
of thine hand, and set it down before the altar of the
5 LORD thy God. And thou shalt answer and say before
the LORD thy God, A [1]Syrian [2]ready to perish was my
father, and he went down into Egypt, and sojourned there,
few in number; and he became there a nation, great,
6 mighty, and populous: and the Egyptians evil entreated
7 us, and afflicted us, and laid upon us hard bondage: and

[1] Heb. *Aramean.* [2] Or, *wandering* Or, *lost*

profess] or *declare*, solemnly, publicly *proclaim*.
my *God*] So LXX; Heb. *thy* is due to dittography.
that I am come] D gives to this as to other rites a historical meaning.
sware, etc.] See on i. 8.
4. *before the altar*] In D only here.
5. *answer*] **testify**, as in v. 20, xix. 16, 18, xxi. 7, xxv. 9.
A nomad Aramean *was my father*] Jacob-Israel, the son of an Aramean (Gen. xxiv. 10, cp. xxiv. 4), himself a nomad shepherd in Aram (Hos. xii. 12, Gen. xxix.—xxxi.), with Aramean mothers to his children. EVV. *ready to perish* and R.V. marg. *wandering* or *lost* are all possible transl. of the Heb. *'ôbed*, used of lost or 'wandered' beasts, xxii. 3, 1 Sam. ix. 3, 20, Ezek. xxxiv. 4, 16, Ps. cxix. 176; and of men *perishing*, iv. 26, vii. 20, viii. 19 f., xxviii. 20, 2 Sam. i. 27, Job vi. 18 and frequently. Here no doubt intended to mark the nomad origins of Israel in contrast to their present state as cultivators of their own land.

Dillm. 'verlorner oder verkommender,' Dri. 'ready to perish,' Steuern. 'dem Untergang naher,' Berth. 'dem Untergang zugehend,' Marti, 'umherirrender.' The LXX, at a time when *Aramean=heathen*, avoided such a reproach to Israel by differently dividing the two words (*'Aram yo'bed*) and producing the renderings 'threw off' or 'lost' and 'forsook' or 'recovered (!) Syria': Συρίαν ἀπέβαλεν (LXX B), ἀπέλιπεν (N, etc.), ἀπέλαβεν (A, F).

went down] So always from Palestine to Egypt, e.g. JE, Num. xx. 15.
sojourned] Was a *gēr*, cp. xxiii. 7 (8).
few in number] x. 22.
great, **and** *mighty*, *and populous*] So Sam., Vulg., etc. J, Ex. i. 9, *more and mightier than we* (Egyptians), 12, 20, *multiplied*, *waxed mighty*.
6. *evil entreated us*] JE, Num. xx. 15.
afflicted us] J, Ex. i. 11.
hard bondage] or *service*. P, Ex. i. 14, vi. 9, 1 Kgs xii. 4, 'Isai.' xiv. 3.

we cried unto the LORD, the God of our fathers, and the LORD heard our voice, and saw our affliction, and our toil, and our oppression: and the LORD brought us forth out of 8
Egypt with a mighty hand, and with an outstretched arm, and with great terribleness, and with signs, and with wonders: and he hath brought us into this place, and 9
hath given us this land, a land flowing with milk and honey. And now, behold, I have brought the first of the 10
fruit of the ground, which thou, O LORD, hast given me. And thou shalt set it down before the LORD thy God, and worship before the LORD thy God: and thou shalt rejoice 11
in all the good which the LORD thy God hath given unto thee, and unto thine house, thou, and the Levite, and the stranger that is in the midst of thee.

7. *we cried*, etc.] JE, Num. xx. 16, cp. E, Ex. iii. 9.
saw our affliction, etc.] J, Ex. iv. 31; *oppression*, E, Ex. iii. 9; *our toil* added by D.

8. *with a mighty hand*, etc.] iv. 34, viii. 14.

9. *hath brought us into this place*] i. 31, ix. 7. As Cullen remarks, this phrase is not used for the Promised Land in xii.—xxv., in which *place* means the One Sanctuary, see xii. 5.
flowing with milk and honey] vi. 3. Once nomads, they are now settled cultivators of a fertile land, in token of which guidance and the blessings it has brought them to, he continues—

10. *I have brought the first*, etc.] Heb. *reshîth*, as in *v.* 2. Not the local Baalim but He who has guided them thither shall have this tribute.
And thou shalt set it down] But the priest has already done this, *v.* 4. If *vv.* 3 f. are original we must read the clause to mean 'thus (with the rites prescribed in 4—10 *a*) shalt thou set it down, etc.' (Dillm., Dri.). But see on 3 f.
worship] Lit. *prostrate thyself*. Brooke and McLean retain this clause in their text of the LXX although it is omitted by B and some other authorities.

11. *and thou shalt rejoice*, etc.] See xii. 6 f., 11 f., 17 f., xvi. 11, 14. It is not said that the worshippers shall eat the *reshîth*, for that has already been given to the Deity. See introd. note.
and unto thine house, thou] With Luc. read **thou and thine house.**

12—15. THE TRIENNIAL DISTRIBUTION OF TITHES.

When the tithe of the third year is complete and given to the local poor then the giver shall attest before God that it has all been given and that he has not broken any of the relevant laws, and shall pray for

12 When thou hast made an end of tithing all the tithe of
thine increase in the third year, which is the year of tithing,
then thou shalt give it unto the Levite, to the stranger, to
the fatherless, and to the widow, that they may eat within
13 thy gates, and be filled; and thou shalt say before the
LORD thy God, I have put away the hallowed things out of
mine house, and also have given them unto the Levite, and
unto the stranger, to the fatherless, and to the widow,
according to all thy commandment which thou hast com-
manded me: I have not transgressed any of thy com-
14 mandments, neither have I forgotten them: I have not
eaten thereof in my mourning, neither have I put away

a blessing on Israel. The apodosis of the sentence does not begin till *v.* 13. For the contents see on xiv. 28 f. and Add. Note there.

12. *in the third year...the year of tithing*] See on xiv. 28; the two phrases are in apposition. For the latter LXX reads *the second tithing* (τὸ δεύτερον ἐπιδέκατον), a reading which even after the vocalic changes which it involves in the Heb. results in an impossible construction. It is due to an attempt to accommodate D's arrangement for the third year's tithe to the later practice.

then thou shalt give it] Rather, **and thou hast given it**; the apodosis does not commence till the next *v.*

Levite, etc.] See on xiv. 29.

13. then *thou shalt say before the* LORD *thy God*] That is (in accordance with *vv.* 5, 10, xii. 7, 12, 18, xiv. 23, 25 f., xv. 20, xvi. 11, xix. 17) at the sanctuary, and probably during the Feast of Booths (so all recent commentators).

I have put away] The same vb. as, in xiii. 5 (6), *q.v.*, xvii. 7, etc., is used for putting away evil things. Equally with them the tithe is *taboo*, forbidden and dangerous for common use.

the hallowed things] Heb. the *kodesh*, lit. *holiness* or *hallowedness* (see above on vii. 6), but applied also to the concrete objects or persons *set apart* for the Deity or (as here) by His command, e.g. the Temple and its contents, the Holy City, sacrifices, etc.; in xii. 26 parallel to *vows*, here the *tithes* for the poor, an interesting extension of the idea of ceremonial sacredness; not without its ethical meaning for ourselves. 'We are commanded to *give alms of such things as we have*; and then, and not otherwise, *all things are clean to us*' (M. Henry).

out of mine house] where they had been stored, xiv. 28.

all thy **commandments**] So Sam., LXX. The anxiety to keep these ritual laws, with a great ethical purpose behind them—viz. the relief of the poor—is very striking. The laws are now detailed:—

14. *I have not eaten thereof in my mourning*] Heb. '*awen*, *sorrow*;

thereof, being unclean, nor given thereof for the dead: I have hearkened to the voice of the LORD my God, I have done according to all that thou hast commanded me. Look 15
down from thy holy habitation, from heaven, and bless thy people Israel, and the ground which thou hast given us, as thou swarest unto our fathers, a land flowing with milk and honey.

so in Hos. ix. 4, *the bread of sorrows* is unclean. If the mourner, unclean by contact with the dead, ate part of the tithe, he defiled it all.

neither have I put away thereof, being unclean] Same vb. as in *v.* 13. While separating this tithe to its charitable ends, a ritual act, he has to take care to be ritually clean.

nor given thereof for the dead] or *to the dead*. The reference is obscure; either the custom of contributing to a mourning feast (2 Sam. iii. 35, Jer. xvi. 7 f., Ezek. xxiv. 17); or that of offering food at the grave as if for consumption by the dead (Tob. iv. 17, Ecclus. xxx. 18); or of sacrificing to the spirits of the dead, as is annually done by the Arabs, *minshan el mawât*, 'for the sake of the dead,' as the chief of the 'Adwan once explained to the present writer.

I have hearkened, etc.] Cp. xv. 5; *I have done*, etc., cp. v. 32, etc.

15. *Look down*, etc.] Cp. 'Isai.' lxiii. 15; *thy holy habitation*, Jer. xxv. 30, Zech. ii. 13.

and bless, etc.] with such care and gifts as are described in vii. 13 ff., xi. 12, 14 ff.

as thou swarest, etc.] See on i. 8, vi. 3.

16—19. Concluding Exhortation.

The proclamation of these laws and the consequent duty of Israel to keep them (16) constitute a contract between Jehovah and Israel, by which He declares Himself their God, who shall exalt them above other nations, and they declare themselves His people, proper and holy to Him and obliged to obey His laws (17—19).—In D's style and the Sg. address (LXX curiously diverges into the Pl. in the last clause of *v.* 16). But the argument has been deranged (so all recent commentators; see esp. Cullen, p. 93) either by later additions inappropriately distributed through a misunderstanding of the legal form used, or through the fusion of different conclusions to the Code. See notes below. It is unnecessary to suppose that the passage originally followed xxvii. 9 f. or xxviii.

Though the term *covenant* is not used, the law-giving is regarded as such, as it is implicitly in xxvii. 9 f. and explicitly in xxix. 1 (xxviii. 69). This idea is also implicit in the Code, and is stated explicitly in viii. 18, xvii. 3. So far then, there is no reason for doubting the original character of the passage.

This is so far an answer to Steuern. who assigns the passage to a later deuteronomist. Wellh. indeed takes *this day* as that of the Covenant at Horeb, and infers

16 This day the LORD thy God commandeth thee to do
these statutes and judgements: thou shalt therefore keep
and do them with all thine heart, and with all thy soul.
17 Thou hast avouched the LORD this day to be thy God, and
that thou shouldest walk in his ways, and keep his statutes,
and his commandments, and his judgements, and hearken

that chs. xii.–xxvi. were originally understood as delivered there. On the other hand Berth. finds it probable that we have here the formula under which Josiah bound Israel to observe the Law (2 Kgs xxiii. 3, cp. Jer. xi. 2 ff.). For neither of these hypotheses is there any real evidence; and *this day* is ostensibly the same as that frequently mentioned in the Code and the Introd. Addresses (see on *v.* 16).

16. *This day*] Obviously the same as that emphasised, both in the Introd. Addresses iv. 8, v. 1, viii. 1, 11, 18, x. 13, xi. 2, 8, 26, 32, and in the Code xv. 5, 15, xix. 9 (cp. xii. 8), as the day when the laws, revealed to Moses in Horeb were by him published to the people in Moab in the valley over against Beth-peor (iii. 29).

the LORD thy God **is commanding** *thee*] This is His part in the contract now to be formulated.

statutes and judgements] See on xii. 1.

keep and do them] See iv. 6, vii. 12, etc.; cp. *observe to do*, v. 1, viii. 1, xii. 1, 32, etc. This is Israel's part in the contract.

with all, etc.] vi. 5 f., x. 12, cp. xi. 18.

17. *Thou hast avouched the LORD*, etc.] i.e. acknowledged (see Wright's *Bible Word Book*); lit. **caused Jehovah to say that He will be thy God**. This form of the Heb. vb. only here and *v.* 18. It is probably a technical legal term, by which either of the two parties to a contract made the other utter a declaration of his obligation under it. Here it is figuratively applied to the contract between Jehovah and Israel. They did not actually cause Him to make this engagement, for His choice of them was an act of His free grace (vii. 8, etc.) and every covenant with Him was of His imposition (*v.* 2, viii. 18). But by engaging to keep His laws Israel fulfilled the condition in which alone He could be their God. Therefore the formula, if not literally, is substantially, correct. The clever EVV. rendering *avouched* is unjustified by the Heb. form but has evidently been adopted to cover all the contradictory contents of the declaration; the text however is so deranged that it fails fully to do so.

and that thou shouldest walk in his ways, etc.] This belongs properly not to Jehovah's, but to Israel's, declaration, whereas the promise in *v.* 19, *and to make thee high above all nations*, etc., which is attributed to them belongs, of course, to Him. There has been a displacement of the text.

The Syriac seeks to get rid of the difficulty by eliminating the conjunction at the beginning of the phrase here, so as to read *by walking in his ways*, etc.; but even so the difficulty is only partly removed.

unto his voice: and the LORD hath avouched thee this 18
day to be a peculiar people unto himself, as he hath promised
thee, and that thou shouldest keep all his commandments;
and to make thee high above all nations which he hath 19
made, [1]in praise, and in name, and in honour; and that
thou mayest be an holy people unto the LORD thy God, as
he hath spoken.

[1] Or, *for a praise, and for a name, and for an honour*

18. *and* **Jehovah hath caused thee to say** *this day* **that thou wilt be unto him a peculiar people**...**and wilt** *keep all his commandments*] Elsewhere in D the singular relation of Israel to Jehovah is stated as His promise and act, vii. 6, *q.v.*, xiv. 2; cp. xxvii. 9, xxix. 13 (12). Here is the converse, the people's engagement to be such, as in 2 Kgs xi. 17. Israel becomes His peculiar people by *keeping all His commandments*; that is the main thing! The phrase, *as he hath* **said to thee**, though unnecessary, is not the 'senseless addition,' which Steuern. alleges.

19. *and to make thee high above all nations*, etc.] As remarked above on *v.* 17, this belongs properly not to Israel's but to Jehovah's declaration. *High* or *highest*, cp. xv. 6, xxviii. 1.

which he hath made] Ps. lxxxvi. 9. For a similar assertion in Deut. of Jehovah's supreme providence, see iv. 19.

for a *praise, and* **for a** *name, and* **for an** *honour*] As in R.V. marg., cp. Jer. xiii. 11 *b*. That is *a praise*, etc., to Himself; Berth. prefers 'to other nations,' who must acknowledge Israel's excellence and superiority.

and that thou **wilt** *be an holy people*] This continues naturally the people's declaration in *v.* 18. *Holy people*, vii. 6, xiv. 2, 21, xxviii. 9; cp. J, Ex. xix. 6, *holy nation* (*gôi* for *'am*), to which passage the phrase *as he hath spoken* (possibly editorial) refers.

D. CHS. XXVII.—XXX. CLOSING ENFORCEMENTS OF THE LAW.

First, directions as to rites on crossing the Jordan and at Shechem, contained in a composite ch., xxvii., which except in *vv.* 9 f. provides no link between chs. xxvi. and xxviii. *Second*, a discourse attributed to Moses, xxviii., which continues xxvi. 16—19, the epilogue to the Code, is probably original to D, and closing abruptly is connected by an editorial note, xxix. 1 (xxviii. 69), with the following. *Third*, a somewhat parallel discourse, xxix. 2 (1)—xxx., which is said to have been addressed by Moses to a national convocation, but is clearly from more than one hand and like parts of iv. 1–40 bears signs of composition during the Exile. *N.B.* Ch. xxix. 1 of the EVV. is reckoned in the Heb. as xxviii. 69.

It is useful to recall some theories to which the difficult relations of these chs. to each other, to the Code, and to its Introd. Discourses have given rise. While their differences illustrate the complexity of the problems presented, there is general agreement: (1) upon the interruption which ch. xxvii. causes between chs. xxvi. and xxviii.; (2) upon the possibility of xxvii. 9 f. as an original link between them: (3) on the derivation of xxvii. 5—7*a* from an earlier source, probably E; and (4) on the originality to D of the bulk of xxviii. or at least upon its being the natural sequel to xxvi.

Kuenen (*Theol. Tijdschr.* XII. 297 ff.) takes xxvii. 9 f. as original to D and the transition between iv. 45—xxvi. and xxviii. (substantially original): the rest of xxvii. is editorial with a pre-deuteron. injunction in *vv.* 5—7*a*. So virtually Westphal (*Sources du Pent.* II. 103—113). Wellhausen (*Comp. des Hex.* 193), who limits the original D to xii.—xxvi., supposes this to have appeared in two edd., one with chs. i.—iv. as introd. and ch. xxvii. as supplement and the other with chs. v.—xi. as introd. and xxviii.—xxx. as supplement. Driver (*Deut.* lxxvi.) assigns to D xxvii. 9 f., xxviii.—xxix. 9, xxx. 11—20, to JE xxvii. 5—7*a*, and the rest to D^2. Addis (*Documents of the Hex.* II.) takes xxvii. 9 f. as 'a natural though not indispensable link between xxvi. and xxviii.,' the bulk of the latter of which is 'the natural sequel' to the Code, and xxix. as a later editorial addition (as Dillm. had done); and (with Dillm., Cornill, etc.) sees in xxvii 5—7*a* a fragment from E. The *Oxf. Hex.* does not regard xxvii. 9 f. as needed to connect xxvi. and xxviii. (which 'seems to be the sequel of xxvi. 16—19') and suggests xxxi. 24—29 as another connection for it. Cullen (*Bk. of the Covt.*, etc. 98 ff.) takes xxvii. 1—8, xxviii. 1—45, 69—xxix. 14 and xxx. 11—20 as part of the hortatory work (*Mišwah*), the bulk of which was v. 29—xi. 28 and which he supposes was prior to the Code: he considers xxvii. 1—8 to have stood originally between x. 20 f. and xi. 8.

Ch. XXVII. Procedure on Crossing Jordan, and at Shechem.

The only part of this ch. which offers a connection between chs. xxvi. and xxviii. is *vv.* 9 f. (see small print above). The rest breaks the flow of Moses' discourse from xxvi. to xxviii.; and its composite character is apparent not only from the changes in the form of address but from the presence of doublets, inconsistencies, and some data irrelevant to the legislation of D. It falls into four sections: 1—8 (itself composite; see below), 9 f., 11—13, and 14—26.

1—8. Erection of Stones for the Inscription of the Law, and of an Altar.

Moses and the elders charged the people to keep the commandment (1); when they cross Jordan they shall set up stones and, whitening them, shall thereon write the Law (Torah) (2 f.); they shall do this on Mt 'Ebal (4), and build an altar (of the form enjoined in E, Ex. xx. 24 f.) for burnt and peace offerings, eating and rejoicing before God (5—7), and writing on the stones very plainly (8).—The passage is a compilation from different sources.

First, in *vv.* 2—4 and 8, *vv.* 2 f. and *vv.* 4, 8 are doublets (cp. Dillm., Westphal, Berth., Marti). With deuteron. phrases both command the same thing, the erection of stones to bear on a white surface an inscription of the Law; but the former prescribes this to be done immediately (*v.* 3) on the crossing of the Jordan, the latter on Mt 'Ebal. Here, then, is another indication of more than one edition of the Code with different supplements. *V.* 1 fuses the introductions to these two supplements: *Moses charged the elders*, and *Moses charged the people* (see below).

And Moses and the elders of Israel commanded the 27
people, saying, Keep all the commandment which I com-
mand you this day. And it shall be on the day when ye 2
shall pass over Jordan unto the land which the LORD
thy God giveth thee, that thou shalt set thee up great
stones, and plaister them with plaister: and thou shalt write 3

Second, in *vv.* 5—7 the command to build an altar on 'Ebal seems inconsistent with D's law of the One Altar, and therefore it is usually taken as the revision by a deuteronomic editor (note the phrases in 7*b*) of a command in E (see the small print above on chs. xxvii.—xxx.). This only mitigates the difficulty, if *vv.* 5—7 be really inconsistent with ch. xii. Yet, whoever placed 5—7 here, must have felt no inconsistency; probably because he argued that at the time fixed for the erection of an altar on 'Ebal Israel would not have gotten that *rest from all their enemies round about*, which D fixes as the date after which the law of the One Altar was to come into operation (xii. 10). Because the text is uncertain and the passage has been touched by more editors than one, we can infer nothing from the changes between the Sg. and Pl. forms of address in this passage.

Steuern. offers with reserve the following analysis. 'The Editor appears first to have expanded *vv.* 5—7 [a fragment older than D] with 2*b*, 3*a* and thereby identified the altar stones with the stones on which the law was written, as in Josh. viii. 30 ff.; hence he also repeated 3*a* in *v.* 8. Another has further identified these stones with those *v.* 2*a a* and so added besides *vv.* 1, 2*a a*, 4*a*.'

1. Note the re-appearance of the narrative form.

And Moses and the elders...commanded the people] The association of the elders with Moses in giving this charge is singular, especially in view of the following, 'which *I command you*.' The LXX (except in a few cursive MSS) omits *the people*. Therefore some read, *And Moses commanded the elders*. More probably we have here the fusion of the introductions to the two different forms of the law, *Moses commanded the elders* and *Moses commanded the people* (so also Marti; cp. Berth.).

Keep all the commandment, etc.] Heb. *Miswah* viii. 1; cp. v. 12 (*observe*), 31, vi. 1. In Sam., LXX *keep* is Pl.

2. *on the day* **on which** *ye shall pass over Jordan*] The Heb. idiom (cp. 2 Sam. xix. 20, Esth. ix. 1) implies the very day on which they were crossing, and not (vaguely) the time when they crossed; and this is confirmed by 3*b* which indicates that the stones were to be set up when Israel crossed Jordan but before they entered upon their occupation of the land, *in order that thou mayest go in* (similarly Dillm. and Dri.).

and plaister them with plaister] A whitewash of lime or chalk, as a background for the writing in black or another colour. The practice was Egyptian, and in Egypt the climate was not hostile to the result. But such writing would not survive the winters of Palestine, where not even inscriptions engraved in limestone, but only those in basalt have endured. It is possible therefore that we have here a very ancient fragment incorporated in D. Cp. E, Ex. xxiv. 4—7 where the *writing of the words of the* LORD by Moses is associated with the erection of twelve *maṣṣēbôth*.

upon them all the words of this law, when thou art passed over; that thou mayest go in unto the land which the LORD thy God giveth thee, a land flowing with milk and honey, as the LORD, the God of thy fathers, hath
4 promised thee. And it shall be when ye are passed over Jordan, that ye shall set up these stones, which I command you this day, in mount Ebal, and thou shalt
5 plaister them with plaister. And there shalt thou build an altar unto the LORD thy God, an altar of stones: thou
6 shalt lift up no iron *tool* upon them. Thou shalt build the altar of the LORD thy God of [1]unhewn stones: and thou

[1] Heb. *whole*.

all the words of this law] Heb. *Tôrah* (see on i. 5, xxxi. 9, etc.). How much is comprised in this phrase we cannot say, for we are not sure of the exact size of the original code of D.

It was a widespread custom in antiquity to engrave laws upon stone pillars. The Code of Hammurabi is engraved on a pillar of black diorite in 'about 49 columns, 4000 lines and 8000 words' (Johns, Hastings' *D.B.*, Extra Vol.) The local tariff of Palmyra contains about 260 lines in Greek and 163 in Aramaic (Cooke, *N. Semit. Inscr.* 313 ff.). The regulations for sacrifices at Carthage (*CIS.* 1. i. 166 ff.) were graven on stone. For Greece cp. Apollodorus in the Schol. to l. 447 of the *Clouds* of Aristophanes: οἱ ἀρχαῖοι λίθους ἱστάντες εἰώθεσαν τὰ δόξαντα ἐν αὐτοῖς ἀναγράφειν. These pillars were called στῆλαι and the phrase παραβῆναι τὰς στήλας (Polyb. xxvi. 1, 4)=to transgress the laws (Knobel).

when thou art passed over] LXX, *ye are*.

that thou mayest go in, etc.] Cp. iv. 40, vi. 3, vii. 1, etc. LXX B, etc., read *that ye may go in*, but most MSS have Sg.

4. *which I command you*] LXX B, etc., *thee*; other codd. *you*.

in mount Ebal] See on xi. 29, and introd. note to this passage. Sam. *Gerizîm*, the sacred mountain of the Samaritans. How far this direction for the site of the erected stones is consistent with that in *v.* 2, *on the day on which ye shall pass over Jordan*, may be seen from the following. Mt 'Ebal is about 18 miles from the nearest of the Jordan fords, at the present Jisr ed-Damieh, the most natural place of passage from E. to W. Palestine. Even if the writer intended this as the place of Israel's crossing of the Jordan the interval is considerable between it and their arrival at Shechem. And, of course, the interval between Israel's crossing at Jericho and their attainment of Shechem, as recorded in the Book of Joshua, is very much greater.

5—7. Cp. E, Ex. xx. 24 f. with Driver's notes.

5. *no iron*] Ex. xx. 25, *tool* (*hereb*), which would have *polluted* the altar. The later D's substitution of *iron* is striking. See on viii. 9.

6. *unhewn stones*] See R.V. margin. Ex. xx. 25: *thou shalt not build it of hewn stones*.

shalt offer burnt offerings thereon unto the LORD thy God: and thou shalt sacrifice peace offerings, and shalt eat 7
there: and thou shalt rejoice before the LORD thy God.
And thou shalt write upon the stones all the words of this 8
law very plainly.

And Moses and the priests the Levites spake unto all 9
Israel, saying, Keep silence, and hearken, O Israel; this
day thou art become the people of the LORD thy God.
Thou shalt therefore obey the voice of the LORD thy God, 10

burnt offerings] Heb. *ʿolôth*; see on xii. 6.

7. *peace offerings*] Heb. *shᵉlamîm*, rather *offerings in fulfilment* of laws and vows; not elsewhere in Deut. and here representing the *zᵉbahîm*. EVV. *sacrifices*, of xii. 6, etc.; as the vb. here conjoined with it shows.

eat...rejoice, etc.] Phrases of D; see on xii. 7.

8. *the stones*] Not the stones of the altar (6 f.), with which Josh. viii. 30 f. has confused them.

this law] Heb. *Torah* as in *v.* 3.

very plainly] Expressed in Heb. by two infinitives used adverbially. On that one of them which is rendered *plainly*, *baʾer*, see on i. 5. The other, meaning *thoroughly* or *exceedingly*, occurs in ix. 21.

9, 10. Further Enforcement of the Law.

These *vv.* with their sequel in xxviii. 1 repeat the substance and, with variations, the phraseology of xxvi. 16—19. They have been taken as the link between these passages, and as original to D (see above small print of note to chs. xxvii.–xxx.). They are by no means a necessary link (*Dtr. Hex.* which because of the introduction of the *Levites* suggests that the *vv.* are the continuation of xxxi 29). Rather, as the notes below show, they are parallel to xxvi. 16—19, and may therefore have originally belonged to the supplement to a different edition of the Code from that to which xxvi. 16—19 was attached.

9. *the priests the Levites*] See on xviii. 1, and cp. x. 8 f. The association of the Levites with Moses in the enforcement of the Law is striking; and as only one speaker is implied by the next *v.* (*which I command thee*) the words have been regarded as the addition of the editor who combined 9, 10 with 14—26 (Dillm., Steuern., Berth., Marti.). This reasoning is not conclusive.

all Israel] See on i. 1, v. 1; and contr. iv. 44—46.

Keep silence] The Heb. vb. only here; in Ar. the root, *sakata* = to be quiet or mute.

hearken, O Israel] v. 1.

this day thou art become the people, etc.] Cp. xxvi. 18.

10. *obey the voice*] xxvi. 17: *hearken to his voice.*

and do his commandments and his statutes, which I command thee this day.

11 And Moses charged the people the same day, saying,
12 These shall stand upon mount Gerizim to bless the people, when ye are passed over Jordan; Simeon, and Levi, and
13 Judah, and Issachar, and Joseph, and Benjamin: and these shall stand upon mount Ebal for the curse; Reuben,
14 Gad, and Asher, and Zebulun, Dan, and Naphtali. And

do his commandments and his statutes] iv. 40, vi. 2, x. 13 (all with *keep* instead of *do*); xxvi. 16, *do these statutes and judgements*; *id.* 17, *keep his statutes, and his commandments, and his judgements*.

which I command thee this day] iv. 40, etc., etc.

11—13. Appointment of Tribes to Bless and to Curse.

Ch. xi. 29 (*q.v.*) commands that the blessing for obedience be set on Mt Gerizim, the curse for disobedience on Mt 'Ebal. *Set* (lit. *give*) implies some solemn rite, and this is now defined. Six tribes shall stand on Gerizim to bless, and six on 'Ebal for the curse. The former are all sons of Leah or Rachel, Jacob's wives, the latter the sons of their maids, Gad, Asher, Dan and Naphtali, with Reuben, Leah's eldest son, who lost his birthright, and Zebulun, her youngest. Again the former, appointed to the southern mount, are all (with the doubtful exception of Issachar) tribes established S. of Esdraelon; while those appointed to the northern mountain are the four tribes settled N. of Esdraelon, with the two from E. Palestine, Reuben and Gad.

On the whole, the genealogical explanation of the division (Dillm., Dri., Berth.) is more plausible than the geographical (Steuern.). The position of Levi, on a level with the other tribes, points to a source earlier than D, and as E emphasises the sanctity of Shechem, the fragment has been assigned to E (Berth., Marti). Note also the phrase, *Moses charged the people*, not elsewhere in D, while E most frequently uses the term *the people* to designate Israel (e.g. Ex. iii. 12, 21, iv. 21, v. 4, xi. 2 f., xii. 36, xiii. 17 f., xv. 24, xvii. 1*b*, 2, 4—6, xix. 10, 14—17, xxiv. 3; Num. xi. 1 f.).

14—26. Appointment of the Levites to Curse.

According to 11—13 both a blessing and a curse were to be pronounced, here we have only curses, twelve in number. There *Levi* was one of six tribes appointed to bless; here *the Levites*, in religious distinction from all the other tribes, are to pronounce the curses. Further, the 12 curses are not confined to sins dealt with in the Code of D; the objects of only 7 are forbidden in D, of 6 in E, Ex. xx. 2—xxiii., of 1 in J, Ex. xxxiv., and of as many as 9 in H, Lev. xvii.—xxvi. The inferences are reasonable that this passage is not from the same hand as the preceding (i.e. not from E) and not from D.

The inclusion of so many sins forbidden only in H does not necessarily imply that the list of curses is exilic (Berth.). It may be from a source independent of all

the Levites shall answer, and say unto all the men of Israel with a loud voice,

Cursed be the man that maketh a graven or molten 15
image, an abomination unto the LORD, the work of the hands of the craftsman, and setteth it up in secret. And all the people shall answer and say, Amen.

Cursed be he that setteth light by his father or his mother. 16
And all the people shall say, Amen.

Cursed be he that removeth his neighbour's landmark. 17
And all the people shall say, Amen.

Cursed be he that maketh the blind to wander out of the 18
way. And all the people shall say, Amen.

Cursed be he that wresteth the judgement of the 19
stranger, fatherless, and widow. And all the people shall say, Amen.

Cursed be he that lieth with his father's wife; because 20

those documents, some national or local liturgy; and Meyer Luther (*Die Israeliten*, 552) suggest that it was in use at the sanctuary of Shechem. Nor is the hand which introduced it here that of D, but of a late editor, for note the simple term *Levites* instead of D's *the priests the Levites* and the phrase *unto all the men of Israel*, found elsewhere only in Jos. x. 24 in a passage with many editorial elements. D's phrase is *all Israel* (see above *v.* 9).

14. *answer*] As in xxi. 7, *solemnly pronounce.*

with a loud voice] Lit. *a high voice*, not elsewhere in the O.T. Cp. v. 19, *a great voice.*

15—26. *Cursed be*] The Heb. for this is simply the passive part. of the vb. 'to curse' (the original sense of which may have been 'to bind'), and may be rendered either *cursed be* or *cursed is.*

15. *Amen*] The Heb. *'amen* (lit. *firm* or *assured*) when used as an exclamation means *true*, *truly*, or *be it assured.* All the instances of *'Amen* which are parallel to this are post-exilic.

Cp. iv. 16, 23, 25, v. 8 (vii. 5, 25), ix. 12, 16, 21 (xii. 3); E, Ex. xx. 23; J, Ex. xxxiv. 17; H, Lev. xix. 4, xxvi. 1. *Graven image* (Heb. *pesel*), iv. 16; *molten*, ix. 12, 16; *the work of the hands of the craftsman*, so Jer. x. 3, cp. Hos. viii. 6, xiii. 2, 'Isai.' xl. 19 f., xli. 7, xliv. 11—17, xlv. 16; *in secret*, xiii. 6 (7), cp. Job xxxi. 27.

16. Cp. v. 16, xxi. 18 ff.; E, Ex. xx. 12, xxi. 17; H, Lev. xx. 9. *Setteth light by* or *dishonoureth*, the opposite of *honour*, v. 16.

17. See on xix. 14.

18. Lev. xix. 14: *thou shalt not put a stumbling block before the blind.*

19. See on xxiv. 17; E, Ex. xxii. 21—24, xxiii. 9; H, Lev. xix. 33 f.

20. See on xxii. 30 (xxiii. 1); H, Lev. xviii. 8, xx. 11.

he hath uncovered his father's skirt. And all the people shall say, Amen.

21 Cursed be he that lieth with any manner of beast. And all the people shall say, Amen.

22 Cursed be he that lieth with his sister, the daughter of his father, or the daughter of his mother. And all the people shall say, Amen.

23 Cursed be he that lieth with his mother in law. And all the people shall say, Amen.

24 Cursed be he that smiteth his neighbour in secret. And all the people shall say, Amen.

25 Cursed be he that taketh reward to slay an innocent person. And all the people shall say, Amen.

26 Cursed be he that confirmeth not the words of this law to do them. And all the people shall say, Amen.

21. Cp. E, Ex. xxii. 19 (18); H, Lev. xviii. 23, xx. 15.

22. Cp. H, Lev. xviii. 9, xx. 17. In earlier times marriage with a half-sister was apparently allowed, Gen. xx. 12, 2 Sam. xiii. 13*b*; but is condemned in Ezek. xxii. 11.

23. Cp. H, Lev. xviii. 17, xx. 14.

24. Cp. v. 17; E, Ex. xx. 13, xxi. 12; H, Lev. xxiv. 17. The addition, *in secret* (*v.* 15, xiii. 6 (7), xxviii. 57), is nowhere else attached to murder.

25. Cp. xvi. 19, and E, Ex. xxiii. 8, both against all bribes; Ezek. xxii. 12, *bribes to shed blood.*

26. *confirmeth*] Lit. *establisheth*, 2 Kgs xxiii. 3, 24 of Josiah and the Book of the Law, Heb. *Tôrah*, as in i. 5, xxxi. 9, which see.

Ch. XXVIII. Enforcement of Blessings and Curses.

With no title this discourse is clearly a continuation of ch. xxvi., but whether through xxvii. 9 f. or not is uncertain.

The contents are the blessings and curses which shall follow respectively on Israel's observance and neglect of the Law; already announced in xi. 26—28, xxvii. 12 f. Parallel conclusions are found to the Codes of E and H; Ex. xxiii. 20—33, Lev. xxvi. 3—45.

Driver justly remarks that ch. xxviii. shows 'no appreciable literary dependence' on the former of these; and 'though the thought in Lev. xxvi. is in several instances parallel to that in Deut. xxviii., and here and there one of the two chapters even appears to contain a verbal reminiscence of the other (cp. Deut. xxviii. 22, 23, 53, 65*b* with Lev. xxvi. 16, 19, 29, 16 respectively), the treatment in the two cases is different, and the phraseology, in so far as it is characteristic, is almost entirely distinct, Lev. xxvi. representing affinities with Ezekiel, Deut. xxviii. with Jeremiah; in fact the two chapters represent two independent elaborations of the same theme.'

And it shall come to pass, if thou shalt hearken dili- 28
gently unto the voice of the LORD thy God, to observe to

It is not easy to account for the structure of ch. xxviii. The Blessings in *vv.* 1—14 find their antitheses *within* the first section on the Curses, *vv.* 15—46, but these are elaborated to a far greater degree than the Blessings, and are further developed in two additional sections, *vv.* 47—57 and 58—68, clearly separate in form from what precedes them and from each other. For the grounds of this analysis and for signs within some of the sections of smaller expansions see the notes below.

Most striking is the way in which the Discourse after predicting Israel's ultimate exile swings back to describe calamities to the people while still on their own land. The captivity in *v.* 32 is only partial, and Israel itself is still at home lamenting it. But after the exile of the nation and the king is foretold in *vv.* 36 f., *vv.* 38 ff. return to the aggravation of the evil conditions inflicted on the people in its own land till it be destroyed (among them once more, *v.* 41 as in *v.* 32, the captivity of its sons and daughters). *Vv.* 47—57 are a gruesome description of the siege of Israel's cities by a foreign invader: but 58—62 repeat the curses of plague, already threatened, which shall continue *till thou be destroyed*. Then with a change to the Pl. address comes another prediction of banishment (63) and, with a return to the Sg., a poignant description of sufferings in exile (64—67), rising at last to the climax (the most terrible thing D could threaten) of a return to Egypt, the house of bondmen, where however Israelites shall now not be worth purchase as slaves (68).

That there are some later intrusions or displacements can hardly be denied; e.g. *vv.* 35 and 41. That the curses are far more elaborated than the blessings, and that, if within 15—46, *vv.* 26—37 be removed, the parallel with the blessings in 1—14 becomes much closer, might be reasonably held as proofs of later expansions which also include 48—57 and 58—68. But this must remain more or less uncertain in view of the discursive style of D which so often returns on itself, as well as in view of the predominance of threat over promise in pre-exilic prophecy.

The curses which affect the land and the people while in possession of it can hardly be so late as the Exile. But also, in the opinion of the present writer, there is not in the threats of invasion, nor even in those of exile, anything that conflicts with a pre-exilic date. These threats have all sufficient foundation in previous experiences of Israel. And it may be fairly argued that had *vv.* 58—68 been written after the Exile it could hardly have contained the threat of the flight of the people *by ships* to Egypt to sell themselves there. Nor is there in the Discourse any such promise of restoration to the exiled people, being penitent, as is found in iv. 29—40 and is taken there as a proof of an exilic date. In D's own absolute manner the exile of Israel is regarded as final. The whole Discourse therefore may well be pre-exilic.

The style throughout is that of D, though as we should expect from the subject, there are terms and phrases not used elsewhere by D nor indeed in the O.T.

Finally, it is clear from 2 Kgs xxii. 13 and Jer. xi. 3 that some such terrible curses were appended to the Book of the Law discovered in the Temple in 621; which as we have seen was at least the Code of D.

Therefore certainly in part, and possibly in whole, this Discourse belongs to D. Cp. Kuenen, *Hex.* § 7, 21 (2), 'not to any appreciable extent interpolated.' On the other side Staerk and Steuernagel find the ch. a compilation from many sources, some of them late; and so to a smaller extent Bertholet.

The designations of Israel's God are interesting: 27 times *Jehovah* only and almost always when some action (mostly of judgement) is attributed to Him; 13 times the deuteron. *Jehovah thy God* and this almost always in connection with the people's duty to His Law and Service or with His gift of the land to them. The distinction is on the whole logical.

do all his commandments which I command thee this day,
that the LORD thy God will set thee on high above all
2 the nations of the earth: and all these blessings shall
come upon thee, and overtake thee, if thou shalt hearken
3 unto the voice of the LORD thy God. Blessed shalt thou
be in the city, and blessed shalt thou be in the field.
4 Blessed shall be the fruit of thy body, and the fruit of thy
ground, and the fruit of thy cattle, the increase of thy kine,
5 and the young of thy flock. Blessed shall be thy basket
6 and thy kneadingtrough. Blessed shalt thou be when
thou comest in, and blessed shalt thou be when thou
7 goest out. The LORD shall cause thine enemies that rise
up against thee to be smitten before thee: they shall
come out against thee one way, and shall flee before thee
8 seven ways. The LORD shall command the blessing upon
thee in thy barns, and in all that thou puttest thine
hand unto; and he shall bless thee in the land which

1—14. THE BLESSINGS.

Parallels in vii. 12—24, xi. 13—15, 22—25. On the assurance of material blessings as the consequence of obedience to the commandments of God see the word of Jesus, Matt. vi. 33.

1. For the connection see on xxvii. 9 f. Parallels in xi. 13, xv. 5.

set thee on high] See on xxvi. 19.

2. *overtake*] This vb. is used of the avenger, xix. 6. A man's goodness as well as his sin is sure to find him out, even when he does not expect this: see Matt. xxv. 37.

3—6. Six forms of blessing, each introd. by the pass. part. of the vb. *to bless*. They cover Israel's life: in town and field, in their offspring, crops and cattle, annual harvests and daily bread, all their movement out and in. The structure of the first two and last three is uniform: with 3 accents. The longer third, *v.* 4, has been expanded; *fruit of thy cattle* does not appear in LXX nor in the parallel *v.* 18, and is probably a gloss from *v.* 11.

4. Cp. vii. 13, and notes there on *increase* and *young*.

5. *basket*] See on xxvi. 2.

kneading-**bowl**] See Dri. on Ex. viii. 3. Cp. *mill*, xxiv. 6.

6. Cp. xxxi. 2, Jos. xiv. 11, 1 Kgs iii. 7, Ps. cxxi. 8.

7. *smitten before thee*] See i. 42.

8. *shall command*] Heb. has the jussive, *command*; it is uncertain which we should read; *upon thee*, lit. *with thee*.

barns] Only here and Prov. iii. 10. Cp. above, xv. 10.

and he shall bless thee] LXX (except some cursives) omits.

the LORD thy God giveth thee. The LORD shall establish 9
thee for an holy people unto himself, as he hath sworn
unto thee; if thou shalt keep the commandments of the
LORD thy God, and walk in his ways. And all the 10
peoples of the earth shall see that thou art called by the
name of the LORD; and they shall be afraid of thee.
And the LORD shall make thee plenteous for good, in the 11
fruit of thy body, and in the fruit of thy cattle, and in
the fruit of thy ground, in the land which the LORD
sware unto thy fathers to give thee. The LORD shall 12
open unto thee his good [1]treasure the heaven to give the
rain of thy land in its season, and to bless all the work
of thine hand: and thou shalt lend unto many nations,
and thou shalt not borrow. And the LORD shall make 13
thee the head, and not the tail; and thou shalt be above
only, and thou shalt not be beneath; if thou shalt hearken
unto the commandments of the LORD thy God, which
I command thee this day, to observe and to do *them*;

[1] Or, *treasury*

9. *holy*] See vii. 6, and note on Holiness, p. 108. Here (as the context shows) the meaning is not ethical, but = set apart for Himself, therefore inviolate; cp. Jer. ii. 3.

if thou shalt keep] Rather, **for** (*ex hypothese*) **thou wilt be keeping**. Cp. Dri.; Marti.: *in case thou shalt*. So there is no need to omit the clause with Steuern. and Staerk.

10. *thou art called by the name of the LORD*] Lit. *the name of Jehovah is called over thee*, as that of thine owner. Other instances of the figure in 2 Sam. xii. 28, Am. ix. 12, Jer. vii. 10 f., xiv. 9, xv. 16, etc., 'Isai.' xiii. 19.

11. *make thee plenteous for good*] Lit. *make thee to have an excess*, or *surplus, of prosperity—through the fruit of thy body*, etc.

12. *his good* **treasury** *the heaven*] As in R.V. marg. Cp. Gen. i. 7, vii. 11, viii. 2; Job xxxviii. 22 (*treasuries of snow and hail*); Jer. x. 13; Book of Enoch, lx. 11—22. On *the rain* see xi. 11, 17; on *the work of thine hand*, i.e. in the field, see xiv. 29.

and thou shalt lend, etc.] See on xv. 6.

13. *the head, and not the tail*] Is. ix. 14, xix. 15.

only] Heb. *rak*; see on x. 15. Here = *nothing but*.

if thou shalt] Rather (as in *v.* 9), *for thou wilt*, or *in case thou shalt*.

to observe and to do] See on iv. 6, v. 32.

14 and shalt not turn aside from any of the words which
I command you this day, to the right hand, or to the left,
to go after other gods to serve them.
15 But it shall come to pass, if thou wilt not hearken unto
the voice of the LORD thy God, to observe to do all his
commandments and his statutes which I command thee
this day; that all these curses shall come upon thee, and
16 overtake thee. Cursed shalt thou be in the city, and cursed
17 shalt thou be in the field. Cursed shall be thy basket and
18 thy kneadingtrough. Cursed shall be the fruit of thy
body, and the fruit of thy ground, the increase of thy kine,
19 and the young of thy flock. Cursed shalt thou be when
thou comest in, and cursed shalt thou be when thou
20 goest out. The LORD shall send upon thee cursing, dis-
comfiture, and rebuke, in all that thou puttest thine hand
unto for to do, until thou be destroyed, and until thou

14. *turn aside*, etc.] v. 32. For *you* read **thee**, Sam., Gk., Syr. *go after other gods*] vi. 14, viii. 19, xiii. 2 (3).

15—46. THE CURSES.

The opening *vv.*, 15—20, correspond to the blessings in *vv.* 1—7, except that there are no antitheses to 1*b* and 2*b*, and that the curse on basket and kneading-bowl precedes that on *fruit of thy body*, etc. Then the Discourse leaves the limits it had observed in the remainder of the blessings, *vv.* 8—14, and while here and there it gives the exact contrast of these blessings (cp. 23 f. with 12*a*, 25 with 7*b*, 37 and 46 with 10, 43 f. with 12*b*, 13*a*), the rest is a detailed antithesis to the summary blessing in 11; and diseases, calamities to man and beast, failures of seed and harvest, losses of children and property, and even exile, are set forth in detail.

The opinion that *vv.* 26 (or 27)—37 and 41 are later additions is plausible, not because they contain predictions of exile but because they elaborate the rest; and this rest, 21—25 (or 26), 38—40 and 42—46, more nearly corresponds to *vv.* 8—14. In view of the repeating style of D it is impossible to say whether some even of those *vv.* are original or expansions; there are no sufficient grounds for the detailed analysis by Steuernagel.

15—20. For the terminology see notes on *vv.* 1—7.

20a forms with 25 a clear antithesis to *v.* 7, but is more elaborate than the latter. For *cursing* cp. Mal. ii. 2, iii. 9; for *discomfiture* see on vii. 23; *rebuke* is found only here. On *for to do* (lit. *which thou shalt do*) see xiv. 29; *until thou be destroyed*, cp. *vv.* 24, 45, 51, 61, vii. 23.

perish quickly; because of the evil of thy doings, whereby thou hast forsaken me. The LORD shall make the 21
pestilence cleave unto thee, until he have consumed thee from off the land, whither thou goest in to possess it. The 22
LORD shall smite thee with consumption, and with fever, and with inflammation, and with fiery heat, and with [1]the sword, and with blasting, and with mildew; and they shall pursue thee until thou perish. And thy heaven that 23
is over thy head shall be brass, and the earth that is under thee shall be iron. The LORD shall make the rain 24

[1] Or, according to some ancient versions, *drought*

20b (from *and until thou perish*) is taken by some as an expansion. On *perish quickly* see iv. 26, xi. 17; for *evil of thy doings* cp. Hos. ix. 15, Isai. i. 16, Jer. iv. 4+17 times. *Forsaken me*, yet Moses is the speaker, cp. vii. 4.

21. *pestilence*] Heb. *deber*, a general word (originally = *death*); in J, Ex. v. 3, ix. 15, Hos. xiii. 14, Am. iv. 10. See Baldensperger, *PEFQ*, 1906, 97 ff. LXX here *θάνατος*.

whither thou goest in to possess it] The usual phrase in the Sg. passages; see on vi. 1. For the corresponding Pl. phrase see iv. 26.

22. Seven Plagues, four on men, and three on their crops. On the former see Lev. xxvi. 16, and consult A. Macalister, art. 'Medicine' in Hastings' *D.B.*

consumption] Heb. *shaḥepheth*; from the meaning of the corr. Ar. *saḥaf*, 'to affect with consumption of the lungs,' this is usually conceived as phthisis, but Macalister, from the connection here, thinks more likely a wasting fever of the Mediterranean or Malta type. LXX *ἀπορία*.

fever] Heb. *kaddaḥath*, lit *kindling*, LXX *πυρετός*; cp. Luke iv. 38, John iv. 52. 'May be malarial fever' (Macalister).

inflammation] Heb. *dalleḳeth*, lit. *burning*, LXX *ῥῖγος*. 'Possibly... some form of ague,' but 'perhaps indeed typhoid' (Macalister).

fiery heat] Heb. *ḥarḥur*, lit. *burning* or *parchedness*, LXX *ἐρεθισμός*, 'irritation'; 'such as erysipelas, only this is not very common in Palestine. It might be one of the exanthemata' (Macalister).

the sword] Heb. *ḥereb*, LXX A F, etc., *φόνος*, LXX B, etc., omit. But with Sam., Vulg. and R.V. marg. we may read *ḥoreb*, *dryness*; either (as in the similarly emended text of Zec. xi. 17, cp. Job xxx. 30) a *withering* of the body, or, in harmony with the following, *drought* of the earth.

blasting] Heb. *shiddaphōn*, mostly the effect of the Sirocco (see *Jerusalem*, I. pp. 12, 20 f.). Hence the LXX *ἀνεμοφθορία*.

mildew] Heb. *yeraḳôn*, *vanness*, *lividness*; LXX *ὤχρα*.

23. Cp. Lev. xxvi. 19: *heaven as iron*, *earth as brass*.

of thy land powder and dust: from heaven shall it come
25 down upon thee, until thou be destroyed. The LORD
shall cause thee to be smitten before thine enemies: thou
shalt go out one way against them, and shalt flee seven
ways before them: and thou shalt be [1]tossed to and
26 fro among all the kingdoms of the earth. And thy carcase
shall be meat unto all fowls of the air, and unto the beasts
of the earth, and there shall be none to fray them away.
27 The LORD shall smite thee with the boil of Egypt, and with
the [2]emerods, and with the scurvy, and with the itch,
28 whereof thou canst not be healed. The LORD shall smite
thee with madness, and with blindness, and with astonish-
29 ment of heart: and thou shalt grope at noonday, as the
blind gropeth in darkness, and thou shalt not prosper in
thy ways: and thou shalt be only oppressed and spoiled
30 alway, and there shall be none to save thee. Thou shalt

[1] Or, *a terror unto* [2] Or, *tumours* Or, *plague boils*

24. The Sirocco (*Sherḳiyeh*), as the present writer has more than once encountered it in Judaea, brings up a fog of dust as dense and fine as a sea-mist, but very destructive. *Until thou be destroyed*, see *v.* 20.

25. See on *vv.* 7, and 20*a*.

tossed to and fro] Rather, *for a trembling* or **a horror** (Heb. *l*ᵉ*za*ʿ*avah*). So the *v.* does not necessarily imply exile. Cp. Jer. xv. 4, xxiv. 9, xxix. 18, xxxiv. 17.

26. Jer. vii. 33; cp. xvi. 4, xix. 7, xxxiv. 20.

27. *the boil of Egypt*] Cp. P, Ex. ix. 9 with Driver's note. One of the skin-diseases common in Egypt. *Boil*, Heb. *shᵉḥîn;* Eg. *shn*, 'an abscess.' Some think of small-pox, others of elephantiasis. But it may be the bubonic plague; see next note.

emerods] LXX ἕλκος Αἰγ. εἰς τὴν ἕδραν. Rather, as R.V. marg., **tumours**; Heb. *ʿ*ᵒ*phalim*, swellings. Probably the buboes of the bubonic plague (so Macalister). On this see *HGHL*, 157 ff.

scurvy] Heb. *garab* (Ar. *garab* = mange), Lev. xxi. 20, xxii. 22; LXX ψώρα ἀγρία, Vulg. *scabies*. 'Favus' (Macalister).

itch] Heb. *ḥeres*, Lev. xxi. 20, LXX κνήφη, Vulg. *prurigo*.

28. Cp. Zech. xii. 4; *astonishment*, better, **dismay**.

29. The mental weakness and even infatuation which possess nations and individuals physically debilitated lead to their oppression by stronger peoples; the details of which are illustrated in the next *vv.* 30—34.

30. Cp. xx. 5—7. The Heb. text employs a more violent term.

betroth a wife, and another man shall lie with her: thou
shalt build an house, and thou shalt not dwell therein:
thou shalt plant a vineyard, and shalt not use the fruit
thereof. Thine ox shall be slain before thine eyes, and 31
thou shalt not eat thereof: thine ass shall be violently
taken away from before thy face, and shall not be re-
stored to thee: thy sheep shall be given unto thine enemies,
and thou shalt have none to save thee. Thy sons and thy 32
daughters shall be given unto another people, and thine
eyes shall look, and fail with longing for them all the
day: and there shall be nought in the power of thine
hand. The fruit of thy ground, and all thy labours, shall 33
a nation which thou knowest not eat up; and thou shalt
be only oppressed and crushed alway: so that thou 34
shalt be mad for the sight of thine eyes which thou shalt
see. The LORD shall smite thee in the knees, and in the 35
legs, with a sore boil, whereof thou canst not be healed,
from the sole of thy foot unto the crown of thy head. The 36
LORD shall bring thee, and thy king which thou shalt set
over thee, unto a nation which thou hast not known, thou
nor thy fathers; and there shalt thou serve other gods,
wood and stone. And thou shalt become an astonishment, 37

32. Judah suffered from a large deportation of her people by Sennacherib in 701. On any of the conflicting estimates of the deportations under Nebuchadrezzar, there must have remained in the land a majority of the people, lamenting, as this *v.* describes, the exile of the rest. See *Jerusalem*, II. 266 ff.

hand] Many MSS read *hands*; cp. Neh. v. 5.

33. *thou knowest not*] So of the land of the invading nation, Jer. xiv. 18, xv. 14, xvii. 4, xxii. 28.

34. Cp. *v.* 28; *mad*, rather **driven mad.**

35 breaks the connection between *vv.* 34 and 36, and is more in place after 27, *q.v.* on *boil.* Here *sore boil* on *knees* and *legs* points to the 'joint-leprosy,' a species of elephantiasis; cp. Job ii. 7 f., vii. 3—6, xvii. 7, xix. 17, 20, xxx. 17.

36. *The LORD* **bring** *thee*] The Heb. vb. is a jussive.

thy king] The first Jewish king to be deported seems to have been Jehoiakin in 597 B.C., 2 Kgs xxiv. 8 ff. But cp. 2 Chron. xxxiii. 10—13 on Manasseh; and for the probable fact underlying this statement see *Jerusalem*, II. 184.

there shalt thou serve other gods] See *v.* 64, and iv. 28.

a proverb, and a byword, among all the peoples whither
38 the LORD shall lead thee away. Thou shalt carry much
seed out into the field, and shalt gather little in; for the
39 locust shall consume it. Thou shalt plant vineyards and
dress them, but thou shalt neither drink of the wine,
40 nor gather *the grapes*; for the worm shall eat them. Thou
shalt have olive trees throughout all thy borders, but thou
shalt not anoint thyself with the oil; for thine olive shall
41 cast *its fruit*. Thou shalt beget sons and daughters, but
they shall not be thine; for they shall go into captivity.
42 All thy trees and the fruit of thy ground shall the locust
43 possess. The stranger that is in the midst of thee shall
mount up above thee higher and higher; and thou shalt
44 come down lower and lower. He shall lend to thee, and
thou shalt not lend to him: he shall be the head, and thou
45 shalt be the tail. And all these curses shall come upon
thee, and shall pursue thee, and overtake thee, till thou be
destroyed; because thou hearkenedst not unto the voice
of the LORD thy God, to keep his commandments and
46 his statutes which he commanded thee: and they shall
be upon thee for a sign and for a wonder, and upon thy

37. *a proverb*] Rather, *a taunt.*

byword] Only here, Jer. xxiv. 9, 1 Kgs ix. 7, 2 Chron. vii. 20; lit. the object *of biting remarks.*

shall lead thee away] So in iv. 27.

38. Here the Discourse returns to Israel's misfortunes on their own land, and the connection seems to be with *vv.* 15—24 (or 25), to which 38—44 are more or less parallel.

38—40. Consumption of corn by locusts and of grapes by worms, and casting of olives. For these products see on vii. 13. *Locust*, Heb. *'arbeh*, properly *locust-swarm*. *Worm*, Heb. *tola'ath*; the grub which ruins vines, Gk. ἴψ or ἶξ (Strabo, XIII. 1. 64), Lat. *convolvulus* (Pliny, *H.N.* XVII. 47), is the wine-weevil (Knobel). On *cast* see on vii. 1.

41 breaks the connection between *vv.* 40 and 42, and is out of place; cp. *v.* 32.

42. *locust*] Heb. *ṣᵉlaṣal*, from the rustling of its wings.

43, 44. The antithesis to 12*b*, 13*a* (*q.v.*).

45, 46. Return to the keynote of the section (cp. *v.* 15), and obvious conclusion to the curses which may originally have closed here.

for a sign and for a wonder] See on iv. 34.

seed for ever: because thou servedst not the LORD thy 47
God with joyfulness, and with gladness of heart, by reason
of the abundance of all things: therefore shalt thou serve 48
thine enemies which the LORD shall send against thee,
in hunger, and in thirst, and in nakedness, and in want
of all things: and he shall put a yoke of iron upon
thy neck, until he have destroyed thee. The LORD shall 49
bring a nation against thee from far, from the end of
the earth, as the eagle flieth; a nation whose tongue thou
shalt not understand; a nation of fierce countenance, 50
which shall not regard the person of the old, nor shew
favour to the young: and he shall eat the fruit of thy cattle, 51
and the fruit of thy ground, until thou be destroyed:
which also shall not leave thee corn, wine, or oil, the
increase of thy kine, or the young of thy flock, until he
have caused thee to perish. And he shall besiege thee 52
in all thy gates, until thy high and fenced walls come

47—57. A FURTHER DEVELOPMENT OF THE CURSES.

Invasion by a far-off, unknown nation, who shall ruthlessly devastate the land and besiege Israel's cities; with the horrors of his siege. All this is not threatened conditionally on the possible disobedience of the people, but predicted absolutely because of their actual failure to serve God.

47. This should be a new sentence opening a new paragraph.

Because thou hast not served *the LORD thy God*] or *worshipped.*

with joyfulness, and with gladness of heart] Characteristic of the temper of D; xii. 7, 12, 18, xvi. 11, 14 f. (*be altogether joyful*), xxvi. 11; cp. 'Isai.' lxv. 13 f.

by reason of the abundance, etc.] Cp. vi. 10–12, viii. 11–18.

48. *a yoke of iron*] Jer. xxviii. 14.

49. *from far*, etc.] Isai. v. 26 of Assyrians, Jer. v. 15 of Babylonians (though perhaps originally of Scythians).

as the **vulture swoopeth**] See on xiv. 12 f.; cp. Hos. viii. 1 of Assyrians; Hab. i. 8, Jer. xlviii. 40, xlix. 22 of Babylonians.

whose tongue thou shalt not understand] Lit. *hear*; Jer. v. 15 of Babylonians, cp. Isai. xxviii. 11 of Assyrians (and xxxiii. 9).

50. *fierce countenance*] Lit. *strong*, **hard** or *inflexible.* So Dan. viii. 23 of Antiochus Epiphanes. Cp. Ezek. ii. 4, iii. 7. On *regard the person* see on i. 17.

51. See *vv.* 4, 18, 20, 24. All but a few LXX codd. omit *until thou be destroyed.*

52. *in all thy gates*] xii. 17; *come down*, xx. 20; *wherein thou trustedst*, so Jer. v. 17.

down, wherein thou trustedst, throughout all thy land:
and he shall besiege thee in all thy gates throughout all
53 thy land, which the LORD thy God hath given thee. And
thou shalt eat the fruit of thine own body, the flesh of
thy sons and of thy daughters which the LORD thy God
hath given thee; in the siege and in the straitness,
54 wherewith thine enemies shall straiten thee. The man
that is tender among you, and very delicate, his eye shall
be evil toward his brother, and toward the wife of his
bosom, and toward the remnant of his children which
55 he hath remaining: so that he will not give to any of
them of the flesh of his children whom he shall eat,
because he hath nothing left him; in the siege and in
the straitness, wherewith thine enemy shall straiten thee
56 in all thy gates. The tender and delicate woman among
you, which would not adventure to set the sole of her
foot upon the ground for delicateness and tenderness,
her eye shall be evil toward the husband of her bosom,
57 and toward her son, and toward her daughter; and toward
her [1]young one that cometh out from between her feet,

[1] Or, *afterbirth*

53. *And thou shalt eat*, etc.] Cp. Lev. xxvi. 29, Ezek. v. 10, and for instances of this horror 2 Kgs vi. 28 f., La. ii. 20, iv. 10.

in the siege and in the straitness] A Refrain as in *vv.* 55, 57. Similarly Jer. xix. 9, along with the eating of children as here.

54. *The man that is* **the most tender** *among you, and the* **very most delicate**] or *dainty*. The same adjs. in 'Isai.' xlvii. 1.

his eye shall be evil] See on xv. 9.

56. *The* **most tender** *and* **most delicate** *woman among you*] Almost as in *v.* 54.

which would not adventure] Rather, **who had never ventured** or *tried* (for the vb. see on iv. 34), having been accustomed to be carried.

57. *young one*] Rather as in R.V. marg. The objects in this *v.* are under the same predicate as those in *v.* 56 but with a difference. To those she shall grudge a share of her awful food; these she shall devour.

58—68. STILL FURTHER DEVELOPMENT OF THE CURSES.

After a fresh statement of the condition on which they will be inflicted, viz. Israel's disobedience to the law (58), diseases are again threatened with the sore diminution of the people (59—62); and

and toward her children which she shall bear; for she
shall eat them for want of all things secretly: in the
siege and in the straitness, wherewith thine enemy shall
straiten thee in thy gates. If thou wilt not observe to 58
do all the words of this law that are written in this book,
that thou mayest fear this glorious and fearful name, THE
LORD THY GOD; then the LORD will make thy plagues 59
wonderful, and the plagues of thy seed, even great plagues,
and of long continuance, and sore sicknesses, and of
long continuance. And he will bring upon thee again all 60
the diseases of Egypt, which thou wast afraid of; and

their banishment is predicted and utter despair (63—67). God shall bring them again to Egypt, where when they seek to sell themselves no man shall buy them (68).—In the substance of this section there is nothing incompatible with a pre-exilic date or with the ideas and principles of D. But some of the phraseology may possibly be post-exilic.

58. *observe to do*] See on v. 1.

all the words of this law] Heb. *of this Tôrah*, see on i. 5, xxxi. 9. In xvii. 19, xxix. 29 (28), xxxi. 12, xxxii. 46, with the same, or a similar, formula preceding; also in xxvii. 3, 8, 26.

that are written in this book] Cp. *v.* 61, xvii. 18, xxix. 20 f., 27 (19 f., 26), xxx. 10. The Law, therefore, was already written down. As pointed out in the note on xvii. 18, such a statement may well have belonged to the original D, discovered in the Temple in 621; but it is not compatible with the other representation, hitherto prevalent, that the exhortations and laws were spoken by Moses, nor with the statement in xxxi. 9, that he *wrote* the law when this discourse was finished. As Driver says, this *v.* 'betrays the fact that Deuteronomy was from the first a *written* book.'

fear this glorious and fearful name] Cp. Neh. ix. 5, Ps. lxxii. 19, 1 Chron. xxix. 13, 'Isai.' lxiii. 12. In J, Ex. xxxiii. 18 God's glory is parallel to His Name. For *fear this name* see Mic. vi. 9 (on one reading), Mal. iv. 2, 'Isai.' lix. 19, Ps. lxi. 5 (6). Cp. Lev. xxiv. 11. This list (containing as it does Mic. vi. 9) is not sufficient to prove, as Berth. suggests, a late date for our passage.

59. *plagues*] As in *v.* 61, xxix. 22 (21), Lev. xxvi. 21. In xxv. 3 the word is used of stripes. In xxiv. 8 another word is used for plague.

wonderful] *Extraordinary* or *exceptional.*

of long continuance] Lit. *faithful, sure, assured*, usually in a moral sense; but in 1 Sam. xxv. 28 of an assured house or dynasty; and in Isai. xxxiii. 6, Jer. xv. 18 (of unfailing waters). Cp. below *v.* 66.

60. *diseases of Egypt*] As in vii. 15; cp. above *v.* 27. On *cleave* cp. *v.* 21.

61 they shall cleave unto thee. Also every sickness, and
every plague, which is not written in the book of this law,
them will the LORD bring upon thee, until thou be de-
62 stroyed. And ye shall be left few in number, whereas ye
were as the stars of heaven for multitude; because thou
didst not hearken unto the voice of the LORD thy God.
63 And it shall come to pass, that as the LORD rejoiced
over you to do you good, and to multiply you; so the
LORD will rejoice over you to cause you to perish, and
to destroy you; and ye shall be plucked from off the land
64 whither thou goest in to possess it. And the LORD shall
scatter thee among all peoples, from the one end of the
earth even unto the other end of the earth; and there thou
shalt serve other gods, which thou hast not known, thou nor
65 thy fathers, even wood and stone. And among these
nations shalt thou find no ease, and there shall be no rest for
the sole of thy foot: but the LORD shall give thee there
a trembling heart, and failing of eyes, and pining of soul:

61. *every sickness*, etc.] Cp. Jer. vi. 7.

the book of this law] Heb. *this Tôrah* (see i. 5, xxxi. 9) Elsewhere (xxix. 21 (20), xxx. 10, xxxi. 26, Josh. i. 8) *this book of the law.*

until thou be destroyed] *vv.* 20, 24, 45, 51.

62, 63. The only *vv.* in this ch. (except 68*b*) in which the Pl. address occurs. The text, including the change to Sg. in the final clauses of both *vv.*, is on the whole confirmed by LXX. Sam., some LXX codd. and Luc. give 62*b* in Pl. The change to Pl. is explicable logically in 62, where the number of the people is being dealt with; but this reason does not account for the Pl. in *v.* 63. The Sg., *whither thou goest in to possess it*, is characteristic of the Sg passages, and therefore is not due to the attraction of the Sg. in the next *v.*

63. *rejoiced over you*, etc.] Cp. viii. 16, xxx. 9. *Rejoice* or *exult*, found only in exilic or post-exilic passages.

to multiply you] See on i. 10, vii. 13.

rejoice...to destroy you] This rhetorical figure is characteristic of the deuteronomic style. Contrast Hos. xi. 8f.

64. Cp. iv. 27 f., in the Pl. address. *From the one end*, etc., xiii. 7 (8). On *other gods*, etc., xiii. 6 (7); *wood and stone*, iv. 28.

65. *shalt thou find no ease*] The vb. is found only in Jer. xxxi. 2, xlvii. 6, l. 34, 'Isai.' li. 4; its substantive in Isai. xxviii. 12.

no rest, etc.] Gen. viii. 9.

a **quaking** *heart*] The vb. occurs in ii. 25.

failing of eyes] With disappointment of hope: cp. *v.* 32 and La. ii. 11, iv. 17.

and thy life shall hang in doubt before thee; and thou 66
shalt fear night and day, and shalt have none assurance of
thy life: in the morning thou shalt say, Would God it 67
were even! and at even thou shalt say, Would God it
were morning! for the fear of thine heart which thou
shalt fear, and for the sight of thine eyes which thou shalt
see. And the LORD shall bring thee into Egypt again 68
with ships, by the way whereof I said unto thee, Thou
shalt see it no more again: and there ye shall sell your-
selves unto your enemies for bondmen and for bond-
women, and no man shall buy you.

These are the words of the covenant which the LORD 29
commanded Moses to make with the children of Israel

pining of soul] *Faintness of longing* or *of life*; Heb. *nephesh* means either.

66. *and thy life shall* **be hanging** *before thee*] Shall be *in suspense*, as on a thread. As indicated later in the *v.*, thou shalt have no assurance of thy life. The vb is the same as that whose part. is rendered of *long continuance* in *v.* 59. Cp. Job xxiv. 22, R.V. marg.

67. Cp. Job vii. 4 and above *v.* 34.

There were two sides to Israel's life in exile. Jeremiah (xxix. 4 ff.) advised the exiles in Babylon to settle down quietly into their new conditions and prosper as they could. This many of them did so thoroughly that it was difficult, if not impossible, to move them to return to Judaea. But a passage like Ps. cxxxvii. gives the other side, which this section of D predicts in such terrible detail. On the whole, it seems that the section was written previous to the Babylonian Exile. There is nothing in it hostile to a pre-exilic date.

68. *into Egypt*] A startling climax but one very natural to D, which has dwelt so frequently on the evils endured by Israel in *the house of bondmen* (see on vi. 12, and cp. xvii. 16). Even Hosea (viii. 13) had predicted a return to Egypt as a punishment for Israel's sins. Therefore here again there is no datum incompatible with a pre-exilic authorship. Vatke (*Einl.* 385) sees in this *v.* proof of a date subsequent to the defeat of Josiah by Egypt at Megiddo.

CH. XXIX. 1 (XXVIII. 69). EDITORIAL NOTE.

This *v.* along with the next definitely divides the addresses which precede and follow it. To which does it belong? *These* may refer to either.

By some (Knob., Kuen., Westph., Dri., Moore, Robinson) it is taken as the subscription to the preceding discourse and original to D, on the grounds that *words of the covenant=terms of the covenant*, and is more applicable to the laws, xii.—xxvi. (with the attached blessings and curses in xxviii.) than to the general exhortations of xxix. f. By others (Ew., Dillm., Addis, Steuern., Berth., *Oxf. Hex.*, Cullen) the

in the land of Moab, beside the covenant which he made with them in Horeb.

v. is taken as the superscription to the following discourse on these grounds, that there are no subscriptions elsewhere in Deut., that the language is not D's, that D does not use *covenant* of the law-giving in Moab, but that the idea of this as a *covenant* prevails in xxix. (9, 12, 14).

Neither opinion is wholly right; for probably the *v.* belonged originally neither to what precedes nor to what follows it. Steuern.'s interpretation of *words of the covenant* as words spoken at the close or settlement of this—'the sermon on the conclusion of the covenant'—is in itself forced and is contradicted by xxix. 9, which says that Israel are to *keep* and *to do* the words of the covenant, vbs. applied elsewhere to the laws given in Moab, the *statutes and judgements*. Therefore xxix. 1 clearly refers to the contents of D's law-book, xii.—xxvi. But it cannot be original to this. For it has *children of Israel* (as has the editorial iv. 44 ff. *q.v.*) instead of D's *all Israel*; and its word for *besides* is one which appears only in later Heb. writings, save for the doubtful exception of iv. 35 (which possibly is also late). Moreover the following discourse has already a superscription.

xxix. 1 is thus an editorial addition, probably inserted to close what precedes, when xxix. f. was added to D. On *covenants*, and those of Horeb and Moab respectively, see on iv. 13.

XXIX. 2 (1)—XXX. A Discourse or Discourses.

This section is presented as one discourse. The two chs. exhibit, however, such differences in address, in language and possibly (though this is not so clear) in standpoint that they can hardly have been originally a unity. Both, however, bear signs of an exilic date.

(1) xxix. 2—29 (1—28) is in the Pl. address (except for 2 *sm.* in which the Sg. is explicable on logical grounds); xxx. is in the Sg. address, except for some phrases in its conclusion (which may well be an editorial peroration to the whole group of addresses since xxvi. 16). (2) xxix. 2—29 while using some deuteronomic formulas is characterised by a large number of phrases not found elsewhere in Deut. nor in the Hex. but occurring (more frequently) in Jer., Ezek. and exilic writings; while xxx., though also containing parallels to Jer., is much more deuteronomic than xxix. (3) Some also contrast xxix. 29, which represents the future as still hidden with God, with xxx. 1—10 which reveals that when the exiled Israel repents, God will restore the nation to its land. But the meaning of xxix. 29 is not quite clear, and its connection with the rest of xxix. uncertain.

XXIX. 2—29 (1—28).

Moses, addressing all Israel, recalls what Jehovah has done in Egypt (1—3) (though Israel have not had the spiritual power to appreciate this, 4), and in the wilderness (5 f.), and to Sihon and 'Og (7 f.); and exhorts them to keep His covenant (9). To this the whole nation, even including women, children, *gērîm* and serfs, and both the present and future generations, is a party (10—15); and the need for it Israel themselves have seen in the idolatries of the nations through whom they have passed (16 f.). Let no individual, family, or tribe turn to such idolatry, for its consequences shall be not only their own destruction but that of the nation (18—21); the plagues of the land and the exile of the people shall be proof to later generations that

And Moses called unto all Israel, and said unto them, 2
Ye have seen all that the LORD did before your eyes in the land of Egypt unto Pharaoh, and unto all his servants, and unto all his land; the great temptations which thine 3
eyes saw, the signs, and those great wonders: but the 4
LORD hath not given you an heart to know, and eyes to see, and ears to hear, unto this day. And I have led you forty 5
years in the wilderness: your clothes are not waxen old upon you, and thy shoe is not waxen old upon thy foot. Ye have not eaten bread, neither have ye drunk wine or 6
strong drink: that ye might know that I am the LORD

Israel forsook Jehovah's covenant for other gods (22—28). Secret things (i.e. the future) are with God, the things *revealed* (i.e. the law) are Israel's, and to be carried out by them.—In the Pl. address, except for some quotations in *vv.* 3 and 10 f., and *vv.* 12, 13 where the change to the Sg. is explicable (see note). The comparatively small use of deuteronomic phrases, and the peculiarly large number of phrases not elsewhere found in Deut. but frequent in Jer. and Ezek. or found in exilic and post-exilic writings, may be seen from the notes. *V.* 11 reflects late social conditions, and *v.* 28 betrays a date in the Exile.

2. *And Moses called...unto them*] So v. 1. For the rest cp. xi. 2. *Ye* is emphatic. Heb.: *Ye*, **yourselves**, *have seen*.

3. **tests...signs...portents**] See on iv. 34, vii. 19. *Which thine eyes saw*, iv. 9, vii 19, x. 21; the Sg. betrays the composite nature of the passage.

4. *an heart to know*] The *heart* the seat of the practical understanding; 'not the seat of the affections, but the mind itself, the intellectual faculty of the soul' (Calvin), yet always in a moral aspect; see on iv. 39, vi. 6. *Eyes* and *ears*, figures here of the spiritual senses, cp. Jer. v. 21.

In form the connection with the preceding *v.* is difficult to trace, but the substance is clear. The deeds in which the Divine revelation consists are of no avail without the inward power to recognise and appreciate them, which is also, equally with them, of the gift of God; 'Men are ever blind even in the brightest light, until they have been enlightened of God' (Calvin). The speaker is made to express the truth in this negative way in order to emphasise to the people the urgent need of their at last, after so much neglect, awakening to the meaning of Jehovah's Providence. The awkwardness of the construction is due to the effort to express both the grace of God and the responsibility of man.

5. *I have led you*, etc.] So Am. ii. 10; cp. above ii. 7, viii. 2. *I*, here the speaker's personality, is merged in that of the Deity; for other instances see on vii. 4. But LXX has ἤγαγεν.

your clothes, etc.] Varied from viii. 4. With Sam. LXX read **your shoes** and **your feet.**

6. The *v.* is parallel to viii. 3. The last clause is not found in

7 your God. And when ye came unto this place, Sihon
the king of Heshbon, and Og the king of Bashan, came
8 out against us unto battle, and we smote them: and we
took their land, and gave it for an inheritance unto the
Reubenites, and to the Gadites, and to the half tribe
9 of the Manassites. Keep therefore the words of this
covenant, and do them, that ye may [1]prosper in all that
ye do.
10 Ye stand this day all of you before the LORD your God;

[1] Or, *deal wisely*

D, but occurs (*minus* the deut. addition *your God*) in J, Ex. vii. 17, viii. 22, x. 2; in P, Ex. vi. 7 (+5 times); and in Ezek. more than 50 times. Also the lighter form of the first personal pronoun is employed here as in all those passages, but in D it occurs only here and in xii. 30, *q.v.*

7. *came unto this place*] i. 31, ix. 7.
Sihon...and Og...] ii. 32 ff., iii. 1 ff.

8. *gave it for an inheritance*] iii. 12 f.; for the formula see on iv. 21.

9. *Keep...and do*] See on iv. 6; and cp. iv. 1, v. 1.
the words of this covenant] See above on *v.* 1 and on iv. 13.
prosper] But the vb. also covers the *deal wisely* of the R.V. margin.

'Originally a mental process or quality—*has insight, is farseeing*—it includes the effect of this—*understands so as to get on, deals wisely so as to succeed, is practical* both in his way of working, and in being sure of his end. Ewald has found an almost exact equivalent in German: "hat Geschick," for "Geschick" means both "skill" or "address" and "fate" or "destiny."' (*Isaiah xl.—lxvi., Expositor's Bible*, p. 346 on Isai. lii. 13.) In the Hex. only here, and elsewhere (except for one or two passages) only in later writings.

10, 11. *Ye stand*] The Heb. is stronger, and probably reflexive: *ye have taken your station* or *position.*
all of you] This comprehensiveness, and the exhaustive definition by which it is followed are striking. Not only the representatives of the people—*your heads, your* **judges** (which read for *tribes*—there is only the difference of one letter—unless we read with LXX and Syr. *heads of tribes*, for LXX has *judges* as well after *elders*), *your elders and your officers* (for all of which except *elders* see i. 13, 15 f., and for *elders* xvi. 18, xix. 12, xxi. 2 f., etc.); and not only *all the men of Israel, your little ones* **and**[1] *your wives*, but also *thy gēr...from the* **gatherer** (not *hewer*) *of thy wood unto the drawer of thy water* (Jos. ix. 21 ff.)—appear before Jehovah to take the covenant. Cp. the Sabbath law, v. 14, covering *sons, daughters, servants* and *thy gēr*; xxxi. 12, *men, women, little ones* and *thy ger*; the assembly which received the law

[1] So Sam. and Syr.

your heads, your tribes, your elders, and your officers,
even all the men of Israel, your little ones, your wives, and 11
thy stranger that is in the midst of thy camps, from the
hewer of thy wood unto the drawer of thy water: that thou 12
shouldest enter into the covenant of the LORD thy God,
and into his oath, which the LORD thy God maketh
with thee this day: that he may establish thee this day unto 13
himself for a people, and that he may be unto thee a God,
as he spake unto thee, and as he sware unto thy fathers, to
Abraham, to Isaac, and to Jacob. Neither with you only do 14
I make this covenant and this oath; but with him that 15
standeth here with us this day before the LORD our God,
and also with him that is not here with us this day: (for ye 16
know how we dwelt in the land of Egypt; and how we

under Joshua, Jos. viii. 33, 35, *gēr* and *home-born*, *women* and *little ones*; and the covenant renewed under Nehemiah, Neh. x. 28, all the temple-servants, *wives*, *sons*, *daughters*, *every one that had knowledge and understanding* (see further *Jerusalem* I. 435 ff.). On the phrase *in the midst of thy camp* cp. ii. 14 f., xxiii. 14.

The conception of the *gēr* as a proselyte and as under the covenant, and the mention of the temple-drudges may be taken (as by many critics) for signs of the late date of the whole passage. Or since their introduction is coincident with a change of address to the Sg., it is possibly a later gloss on the rest. Yet again the Sg. of 11*b* may be due to the attraction of the Sg. in *vv.* 12 f., in which its use by a writer otherwise employing the Pl. may be explained on the ground that he is addressing the whole nation as one party to the Covenant; while in *v.* 14 he resumes the Pl., because there he is addressing the individuals of the present generation in distinction from others not present. Here then is a case on which the changes between Sg. and Pl. are reasonably explicable as by the same writer and on logical grounds. Steuern. and Marti's proposal to consider the whole of the Sg. clauses as an addition is thus unnecessary.

12. *enter into the covenant*] Lit. *pass over into* only here. Cp. the *passing over* into a select and numbered body, Ex. xxx. 13 f. (P); also the prepositions in our terms '*trans*-act,' 'carry *through*.' On *covenant* see iv. 13.

and into his oath] Cp. Neh. x. 29: *enter into an oath*. GOD confirms His covenant by an oath, iv. 31, etc. The Heb. *'alah* is used three times in this ch., 12, 14, 19 (*q.v.*), as = *oath*, and thrice *vv.* 20, 21 and xxx. 7 as *imprecation*, or *curse*; but nowhere else in Deut.

13. Cp. xxvi. 17 f. and xxviii. 9; *as he sware*, i. 8.

14, 15. Cp. v. 3. *V.* 15 is better rendered, *but at once with him that standeth here...and with him that is not here with us this day.*

16. *for ye know*, etc.] The necessity for such a covenant with Jehovah: viz. Israel's experiences of the idolatry of other peoples, which otherwise might seduce them to itself. The Egyptian idolatry

came through the midst of the nations through which
17 ye passed; and ye have seen their abominations, and
their idols, wood and stone, silver and gold, which were
18 among them:) lest there should be among you man, or
woman, or family, or tribe, whose heart turneth away
this day from the LORD our God, to go to serve the gods
of those nations; lest there should be among you a root
19 that beareth [1]gall and wormwood; and it come to pass,
when he heareth the words of this [2]curse, that he bless
himself in his heart, saying, I shall have peace, though
I walk in the stubbornness of mine heart, [3]to destroy the

[1] Heb. *rosh*, a poisonous herb. [2] Or, *oath* and so vv. 20, 21.
[3] Or, *to add drunkenness to thirst*

has not before been mentioned in Deut. *Came through* and *passed* are the same vb.: the *idem per idem* construction, see i. 46.

17. *abominations*] Rather **detestable things**, not *to'ebôth*, as in vii. 25, but *shikkusîm*, frequent in Jer. and Ezek. of idols, nowhere else in Deut., but the vb. from which it comes is found in vii. 26.

idols] Heb. *gillulîm*, a scornful term meaning either *things gross* or *coarse*, such as some forms of the root in Ar. mean (applied to *dung*, etc.), or *things round* or *podgy*, as from Heb. *galal*, *to roll* (cp. the nicknames 'round-head' and 'rolling-pin'). In the Hex. only here and Lev. xxvi. 30 (H); Jer. l. 2, and 39 times in Ezek. The gods of the heathen were mere blocks or boulders!

wood and stone] iv. 28, xxviii. 36, 64.

18. *lest there should be*] Perhaps better, *may there not be!*

this day] Not in LXX and here out of place.

to go to serve] xiii. 6, 13 (7, 14), xvii. 3.

a root that beareth] Only here.

gall] Heb. *rôsh*, lit. *head*, sometimes interpreted of the poppy; either that or some poison: xxxii. 32, Am. vi. 12, Hos. x. 4; with *wormwood*, Am. v. 7, vi. 12, Jer. ix. 15 (14), xxiii. 15, La. iii. 15, 19, Prov. v. 4. Such are the fruits of idolatry!

19. *curse*] Rather **oath**, for it is on the strength of Jehovah's oath o be Israel's God and so to protect them, that this Israelite flatters himself he is secure, no matter how he may behave. In the history of religion such a delusion has been lamentably frequent, and believers in extreme doctrines of election have presumed on these and recklessly ndulged in evil.

bless himself in his heart] Flatter himself! Found only here.

stubbornness] Heb. *she'erirûth*, firmness but always in a bad sense; only here, Jer. iii. 17, vii. 24, ix. 13, xi. 8, xiii. 10, xvi. 12, xviii. 12, xxiii. 17, and in Ps. lxxxi. 12 (13). This of course is not the man's own, but the writer's, view of him.

moist with the dry: the LORD will not pardon him, but then 20
the anger of the LORD and his jealousy shall smoke
against that man, and all the curse that is written in this
book shall lie upon him, and the LORD shall blot out his
name from under heaven. And the LORD shall separate 21
him unto evil out of all the tribes of Israel, according to
all the curses of the covenant that is written in this book
of the law. And the generation to come, your children 22
that shall rise up after you, and the foreigner that shall
come from a far land, shall say, when they see the
plagues of that land, and the sicknesses wherewith the
LORD hath made it sick; *and that* the whole land thereof 23
is brimstone, and salt, *and* a burning, *that* it is not sown,
nor beareth, nor any grass groweth therein, like the over-
throw of Sodom and Gomorrah, Admah and Zeboiim,
which the LORD overthrew in his anger, and in his wrath:
even all the nations shall say, Wherefore hath the LORD 24
done thus unto this land? what meaneth the heat of

to destroy the moist with the dry] An unmeaning translation. The construction is elliptic and we should render: *so as to* **sweep away** *the moist* (herbage?) *with the dried up*; bring down a hurricane of destruction that would uproot the whole people, so fatal is the infectiousness, and so universal will be God's punishment, of idolatry.

20. *the LORD will not* **consent to** *pardon him*] There are two vbs as in i. 26 *q.v.*

his jealousy] See on iv. 24; with this and the vb. *smoke* cp. xxxii. 21 f., Ps. lxxiv. 1.

shall lie] Or *crouch*, cp. Gen. iv. 7. But LXX and Targ. read *cleave unto*, perhaps rightly.

blot out his name, etc.] vii. 24, ix. 14.

21. *separate*] See on iv. 41. *Unto evil*, Jer. xxi. 10, xxix. 11. xxxviii. 4, xxxix. 16, xliv. 11, 27, 29; but also in Am. ix. 4, Jud. ii. 15 (deuteronomic).

this book of the law] See xxviii. 61.

22—28 illustrate the last clause of 19 and predict how the whole land and people shall suffer for the sins of the idolaters.

22. *plagues*] Or *strokes*, see xxviii. 59, 61.

the sicknesses] This word only here, Jer. xiv. 18, xvi. 4, Ps. ciii. 3, 2 Chron. xxi. 19.

23. *brimstone*, etc.] The prediction is in terms of the surroundings of the Dead Sea *Beareth*, lit. *causeth to sprout*; *grass* better *herbage*.

Sodom...Zeboiim] Am. iv. 11, Hos. xi. 8; Gen. xiv. 2, xix. 24 f.

25 this great anger? Then men shall say, Because they
forsook the covenant of the LORD, the God of their fathers,
which he made with them when he brought them forth out
26 of the land of Egypt; and went and served other gods,
and worshipped them, gods whom they knew not, and
27 whom he had not [1]given unto them: therefore the anger
of the LORD was kindled against this land, to bring upon
28 it all the curse that is written in this book: and the
LORD rooted them out of their land in anger, and in wrath,
and in great indignation, and cast them into another land,
29 as at this day. The secret things belong unto the LORD
our God: but the things that are revealed belong unto us

[1] Heb. *divided.*

25. *Then men shall say*, etc.] Similarly Jer. xxii. 8 f. The phrase, *forsook the covenant* occurs there, 1 Kings xix. 10, 14 and Dan. xi. 30, but not elsewhere in Deut. (*forget* is used instead); though xxviii. 20 has *forsaking me*, cp. xxxi. 16, xxxii. 15.

26. *went and served*] See *v.* 18; on *whom they knew not* cp. viii. 3, 16, xi. 28; on *given* or allotted see note on iv. 19.

27. *curse*] As in xxviii. 15 ff.; and another word than in *vv.* 20 f.

28. *rooted them out*] Heb. *natash*, not elsewhere in the Hex. but common in Jer. e.g. i. 10, xii. 15.

in anger, and in **fury**, *and in great* **wrath**] (Driver). So Jer. xxi. 5, xxxii. 37.

cast them into another land] Jer. xxii. 26: 'I will cast thee out (another vb.)...*into another land*.'

as at this day] This can hardly belong to the predicted statement of the contemporaries of the Exile; it must either be the writer's own and if so betrays his date at that time, or it is an editorial addition. In view of the language of the whole chapter, the former alternative is the more probable.

29. *The* still *hidden things* are the future (cp. 'Isai.' xlviii. 6), the *things that are revealed* are those just reviewed, God's deeds and words in the past and present. That among these present things is the Exile, as the result of Israel's disobedience, is not certain, but it seems implied. Only its issue is still hidden, in contrast to the conditional prediction of a happy issue from it delivered in the following *vv.*, xxx. 1—10. All that Israel can do is to keep the law already revealed. It is difficult to see the connection between this *v.* and its context on either side; 'perhaps a later addition...the use of the first person pl. suggests a form of liturgical response after hearing the reading of the law.' This 'liturgical close suggests that the discourse is concluded' (*Oxf. Hex.*).

and to our children for ever, that we may do all the words of this law.

And it shall come to pass, when all these things are 30
come upon thee, the blessing and the curse, which I have
set before thee, and thou shalt call them to mind among
all the nations, whither the LORD thy God hath driven
thee, and shalt return unto the LORD thy God, and shalt 2
obey his voice according to all that I command thee this
day, thou and thy children, with all thine heart, and with
all thy soul; that then the LORD thy God will [1]turn thy 3

[1] Or, *return to*

this law] Heb. *this Tôrah*, see xxviii. 58.

CH. XXX. 1—10. CONDITIONS OF RESTORATION FROM EXILE.

When Israel, scattered among the nations, returns to Jehovah and obeys Him (1 f.), He will gather the nation again, even to its furthest outcasts (3 f.), and will not only restore it to its land, but work in it a full love to Himself (5 f.). The curses shall be turned upon its foes (7) and its obedience rewarded by material blessings, the expression of His restored joy in it (8—10).—The form of address changes to the Sg., which is sustained throughout, and the language is more fully that of D than was the language of xxix. With xxviii. the connections are specially numerous. Also this passage breaks the connection between xxix. and xxx. 11 ff. The two can hardly be by the same writer. In substance xxx. 1—10 is the expansion of iv. 29—31 (*q.v.*), which is also a Sg. interruption of a Pl. context. Like iv. 29—31 it appears to be from a deuteron. writer, writing during the Exile. (See also Dri.'s *Deut.* p. lxxvi.) On the question of the relation of *vv.* 1—10 with 11—14 see below.

1. *all these things are come upon thee*] iv. 30.

the blessing and the curse, etc.] xi. 26; cp. iv. 8. *Blessing* as well as *curse*, because the memory that God, in His faithfulness, had blessed them, in such times as they were obedient, and therefore might be trusted to do so again, is as requisite for the repentance of the exiled people, as their bitter experience of His curses upon their disobedience. There is, thus, no need to take these words, or *the blessing* by itself, as a gloss (as Steuern. and Marti do).

which I have set before thee] iv. 8, xi. 26.

call them to mind] Lit. *bring back to thy heart*. See on xxix. 4.

hath driven thee] Heb. *hiddîaḥ*, in this sense used 11 times in Jer., but not so elsewhere in Deut.; the passive form occurs in *v.* 4 below. For other applications of the root see xiii. 13 (14), xix. 5, xx. 19, xxii. 1.

2. Expansion of iv. 30*b*.

captivity, and have compassion upon thee, and will return and gather thee from all the peoples, whither the LORD
4 thy God hath scattered thee. If *any of* thine outcasts be in the uttermost parts of heaven, from thence will the LORD thy God gather thee, and from thence
5 he will fetch thee: and the LORD thy God will bring thee into the land which thy fathers possessed, and thou shalt possess it; and he will do thee good,
6 and multiply thee above thy fathers. And the LORD thy God will circumcise thine heart, and the heart of thy seed, to love the LORD thy God with all thine heart,
7 and with all thy soul, that thou mayest live. And the LORD thy God will put all these curses upon thine enemies, and on them that hate thee, which persecuted
8 thee. And thou shalt return and obey the voice of the LORD, and do all his commandments which I command

3. *turn thy captivity*] The Heb. phrase can hardly mean this, for the return from captivity comes later in this passage, in *v.* 4, and such a sense is impossible in Job xlii. 10. Render **turn thy fortune.** So Am. ix. 14, Hos. vi. 11, Ezek. xvi. 53, 55, and frequently in Jer.

have compassion upon thee] xiii. 17.

gather thee] So frequently in Jer. and Ezek.

scattered thee] xxviii. 64.

4. *If* any of *thine outcasts*] quoted in Neh. i. 9; cp. above *v.* 1 (*driven*), xxviii. 64, and in another sense xxii. 1.

5. *will bring thee into the land*] See on vi. 10.

do thee good] viii. 16, xxviii. 63.

multiply] See on vi. 3 and xiii. 17 (18).

6. *will circumcise thine heart*] See on x. 16, and in contrast xxix. 4; and cp. Jer. xxxi. 33.

to love, etc.] See on vi. 5.

that thou mayest live] lit. **for the sake of thy life**, *vv.* 16, 19, xvi. 20, all Sg.; iv. 1 (see note), v. 33, viii. 1, all Pl.

7. *curses*] Heb. *'alôth*, xxix. 20 f. (19 f.), *q.v.*; and not *k*^{e}*lalôth* as in *v.* 1 and ch. xxviii. Because of this and the fact that the *v.* breaks the connection between *vv.* 6 and 8 it is probably an intrusion (Dillm.). With it cp. vii. 15.

8. But thou, thyself, *shalt*, etc.] The emphatic *thou* is necessary after the intrusion of the previous *v.*

return] If this be meant in a spiritual sense, the like does not elsewhere occur in Deut.; but is found in Isai. x. 21, xix. 22, Jer. iii. 1, 7, 12, 22, iv. 1, xv. 19, xviii. 11 (=xxxv. 15), xxiii. 14, xxiv. 7, xxxvi. 3, Ezek. xviii. 23, etc. For the rest of this *v.* see above xv. 5, xxviii. 1, 15.

thee this day. And the LORD thy God will make thee 9
plenteous in all the work of thine hand, in the fruit of thy
body, and in the fruit of thy cattle, and in the fruit of thy
ground, for good: for the LORD will again rejoice over thee
for good, as he rejoiced over thy fathers: if thou shalt obey 10
the voice of the LORD thy God, to keep his commandments
and his statutes which are written in this book of the law;
if thou turn unto the LORD thy God with all thine heart,
and with all thy soul.

For this commandment which I command thee this day, 11

9. See xxviii. 11, 63.

10. Possibly an editorial transition to the next section (so Steuern.).

written in this book of the law] Cp. xxix. 20; here the text curiously gives *written* in the sing. participle, as if quoting from there.

turn unto, etc.] See on *v.* 8.

11—20. THE CLOSE OF THE CONCLUDING ADDRESSES.

The commandment is not too hard nor distant, but near, articulate, intelligible and practicable (11—14). Sheer life and death, good and evil, is set before Israel. Obedience means blessing, apostasy destruction (15—19*a*). Choose life that thou mayest dwell in the land, sworn to thy fathers (19*b*—20). —The discourse turns back to the present of the (assumed) speaker and closes the whole series of his addresses upon the keynotes which have rung through them. As Driver says, 'it is next to impossible that *vv.* 11—20 can have been originally the sequel of *vv.* 1—10.' *Vv.* 11—14 may be a fragment from an unknown source, for their subject connects neither with *v.* 10 (Berth. and Marti notwithstanding) nor with anything else in Deut. except xxix. 29 (28), which however is in the Pl. address. *Vv.* 15—20 supply the needed peroration to xxviii., which ends abruptly; but the changes of address in them point to their editorial origin.

It is the old question whether the same writer thus clenches his argument with the repetition of a number of his formulas or the hand of a later editor has collected these. The probability is with the latter. Cullen takes *vv.* 11—20 as part of his Book of the *Miṣwah*, in his scheme the original Deuteronomy. Berth. regards 15—20 as immediately following xxviii., and as belonging, therefore, to D. Steuern. holds at least 15*b*, 19*b*, and part of 20 as D's. The changes of the form of address are signs that the passage largely consists of quotations.

11—14. THE CONSCIENCE OF THE LAW.

11. *This commandment*] *Miṣwah*, see on v. 31, viii. 1. Here probably both the substance of the Law—the enforcement of a loyal, loving obedience to Jehovah—and its various statutes and judgements.

which I command thee this day] viii. 1, xxvii. 1, etc.

12 it is not too [1]hard for thee, neither is it far off. It is
not in heaven, that thou shouldest say, Who shall go up
for us to heaven, and bring it unto us, and make us to
13 hear it, that we may do it? Neither is it beyond the sea,
that thou shouldest say, Who shall go over the sea for
us, and bring it unto us, and make us to hear it, that we
14 may do it? But the word is very nigh unto thee, in thy
mouth, and in thy heart, that thou mayest do it.
15 See, I have set before thee this day life and good, and

[1] Or, *wonderful*

too hard] So in xvii. 8; *beyond one's power to do*, 2 Sam. xiii. 2, or *to understand*, Ps. cxxxi. 1 (2); more frequently used of *wonderful* things, or *extraordinary*; Ps. cxix. 129: *Thy testimonies are wonderful, therefore doth my soul keep them*—an interesting contrast to this clause.

12. *not in heaven*] Not among the *hidden things* still with God, xxix. 29 (28), and requiring a mediator. God has not left men to hunger for it; it has been mediated and heard.

13. *Neither...beyond the sea*] Nor has Israel to search for it among other peoples.

14. *But the word is very nigh unto thee*] So of God Himself, iv. 7, *q.v.*, explained by what follows, *in thy mouth and in thy heart* (cp. vi. 6 f., xi. 18 f.), articulate, understood and familiar (especially after so much exposition of it!). The speaker does not add that it is 'easy,' but more justly and finely that it carries with it the conscience and provocation to its fulfilment by man: *that thou mayest do it!* (Cp. 'Isai.' xlv. 19 on the clearness, straightforwardness, and efficiency of God's Word.) Cp. Jer. ii. 31. Another thought suggests itself. The local and domestic altars had been removed and God's Presence fixed at the One Sanctuary. But in the Law Israel had received that which they could carry everywhere with them, and which touched their lives —and touched them to the quick—at all points.

On St Paul's application of these words in the Law, to the Gospel in contrast with the Law, Rom. x. 6—8, see Sanday and Headlam, *Romans* (*Intern. Crit. Comm.*) 286—290 and Denney's *Romans* (*Expositor's Gk Test.*) 670 f.: 'It is irrelevant to point out that what the writer in Deut. means is that the law is not oppressive nor impracticable (as Paul in *v.* 5 tacitly assumes it to be); the Apostle is not thinking in the least what the writer of Deut. meant; as the representative of the righteousness of faith he is putting his own thought—his inspired conviction and experience of the Gospel—into a free reproduction of these ancient inspired words.... There is no impossible preliminary to be accomplished before the true religion is got under way...The whole idea of the verses is that righteousness has not to be achieved but to be appropriated' (Denney).

15—20. The Peroration to the Discourses.

15. Cp. Jer. xxi. 8.
set before thee this day] iv. 8.

death and evil; in that I command thee this day to love 16
the LORD thy God, to walk in his ways, and to keep his
commandments and his statutes and his judgements, that
thou mayest live and multiply, and that the LORD thy God
may bless thee in the land whither thou goest in to
possess it. But if thine heart turn away, and thou wilt 17
not hear, but shalt be drawn away, and worship other
gods, and serve them; I denounce unto you this day, 18
that ye shall surely perish; ye shall not prolong your days
upon the land, whither thou passest over Jordan to go
in to possess it. I call heaven and earth to witness against 19
you this day, that I have set before thee life and death, the
blessing and the curse: therefore choose life, that thou
mayest live, thou and thy seed: to love the LORD thy God, 20
to obey his voice, and to cleave unto him: for [1]he is thy

[1] Or, *that*

life and good, etc.] Cp. xi. 26: *blessing and curse*. For *death and evil* cp. iv. 26, viii. 19, etc.

16. The constr. of the Heb. is faulty but may be restored from the LXX thus: *If thou hearken to the commandment of the* LORD *thy God which I command thee* (Dillm.). For 16*a* see on xiii. 4 (5): *his commandments* (wanting in LXX), iv. 2; *statutes and judgements*, iv. 1. On 16*b*, *that thou mayest live*, cp. iv. 1, xxx. 6; on *whither thou goest in to possess it* (characteristic of the Sg. passages) see vii. 1, for the Pl. synonym see vi. 1.

17. *But if thine heart turn away*] xxix. 18 (17); for *drawn away* see iv. 19, xiii. 13 (14); for *worship and serve* see on iv. 19.

18. *denounce*] An archaism for *announce*. The Heb. simply means *declare*, xvii. 9, 11, R.V. *shew* and *tell* of a judgement, i.e. *make it public*; xxvi. 3 R.V. *profess*.

unto you] Change to the Pl. address confirmed by Sam. LXX; it is striking that the following phrase, *surely perish*, also occurs in viii. 19, which is likewise an interruption of the Sg. by the Pl. address, and is found in Deut. only with the Pl. See on viii. 19.

ye shall not prolong, etc.] Elsewhere both with Sg. and Pl.; see on iv. 26.

thou passest over Jordan] Sam. LXX, *ye*; perhaps rightly, but see on vi. 1.

19. *I call heaven and earth*, etc.] As in iv. 26.

set before thee life and death] See on *v.* 15.

choose life] In Deut. only here; but cp. Josh. xxiv. 15, Isai. vii. 15 (choose the good). On *that thou mayest live* see *v.* 6.

20. *love...obey...cleave*] See on vi. 5, x. 20, xiii. 4 (5).

life, and the length of thy days: that thou mayest dwell in the land which the LORD sware unto thy fathers, to Abraham, to Isaac, and to Jacob, to give them.

for **that** *is thy life*, etc.] Variant from iv. 1, 40, etc.
sware] See on i. 8.

E. Chs. XXXI.—XXXIV. Last Days and Discourses of Moses.

The Laws and Discourses accompanying are at an end (cp. xxxi. 1) except for some belated fragments, xxxi. 9—13 (24—26?), xxxii. 45—47, that contain only one fresh statement: that Moses wrote the Law. The remaining chs. though with deuteronomic elements contain contributions from JE, P, and other sources, belong therefore to the Pent. as a whole, complete its framework, and connect it with the Book of Joshua. This is recognised even by critics otherwise most conservative.

E.g. Orr (*Problem of the O.T.* pp. 248, 251) says that xxxi.—xxxiv. are 'appended' to Deut. and due to an editor; 'the last part of the work, with its account of Moses' death and in one or two places what seem unmistakeable indications of JE and P hands, points clearly to such a redaction.'

The sections, in great disorder as to their subjects—unless we adopt some emendation of their text—are as follows: xxxi. 1—8, Appointment of Joshua (deuteronomic); 9—13, Moses' delivery of the written Law to the Priests and Elders, though possibly Joshua was originally in place of them (deuteronomic); 14 f., 23, God's charge to Joshua (E); 16—22, God's revelation to Moses of Israel's delinquency after his death, as the motive to the Song in ch. xxxii. (partly deuteronomic, partly not); 24—29, another delivery of the Law to the Levites (24—26) unless we read *Song* for *Law*, with another introduction to the Song (27—29) (deuteronomic); xxxi. 30, editorial title to the Song; xxxii. 1—43, the Song of Moses (source unknown); 44, concluding note; 45—47, exhortation on the Law (deuteronomic); 48—52, Moses' call to death (P); xxxiii., the Blessing of Moses (source unknown); xxxiv., the death of Moses (JE, P, etc.).

Ch. XXXI. 1—8. Appointment of Joshua.

Moses declares his inability to continue his active offices with the people and God's decree that he shall not cross Jordan (1 f.). Under God Joshua shall lead Israel, the nations shall be destroyed like Sihon and 'Og, and Israel shall treat them as commanded (3—5). May Israel be strong and unafraid, God shall not fail it (6). Joshua is exhorted in similar terms (7 f.).—The style is almost wholly deuteronomic, but consists largely of phrases common in i.—iii. and v.—xi., contains (*vv.* 3—6) doublets and a change in the form of address, and (*v.* 2)

And Moses went and spake these words unto all Israel. **31**
And he said unto them, I am an hundred and twenty years **2**
old this day: I can no more go out and come in: and the
LORD hath said unto me, Thou shalt not go over this
Jordan. The LORD thy God, he will go over before thee; **3**
he will destroy these nations from before thee, and thou
shalt possess them: *and* Joshua, he shall go over before
thee, as the LORD hath spoken. And the LORD shall do **4**
unto them as he did to Sihon and to Og, the kings of the
Amorites, and unto their land; whom he destroyed. And the **5**
LORD shall deliver them up before you, and ye shall do unto
them according unto all the commandment which I have

a trace of P; so that it is probably due to an editor. The design of such a passage just here along with the other fragments on Joshua, 14 f., 23, and possibly 9—13 (*q.v.*), must have been to connect the Books of Deut. and Joshua.

By many (Dillm., Dri., Steuern., Berth., Marti) the passage is taken, in whole or part, as from the same hand as chs i.—iii. and as the necessary continuation of iii. 26—28, on these grounds.—it contains many of the phrases of i.—iii.; *v.* 1, *these words*, can refer only to something preceding and implies not words already spoken by Moses to Israel (such as now immediately precede, in chs xxix.—xxx.) but words addressed to Moses himself, and on the subject of Joshua's succession (such as iii. 26—28) But the text of *v.* 1 is uncertain (see below) and we have already found the completion of iii. 26—28 in the misplaced iii. 21 f. More probably the passage is editorial (cp. Bacon, *Triple Tradition of Exodus*, 265, 267) and this is borne out by its containing echoes not only of i.—iii. but of v.—xi. (see above) If some clauses are due to the author of i.—iii. they have been worked over.—Cullen (pp. 182 ff.) defends the interesting theory of a 'Joshua redaction' of Deut. in the Exile, with special regard to Joshua the colleague of Zerubbabel in leading back the exiles to the holy land (Hag. i. 1, Zech. iii. 1).

1. *went and spake these words*] This can only refer to something preceding; see small print above. But LXX read *finished speaking these words*.

2. *an hundred and twenty years old*] So P xxxiv. 7, cp. Ex. vii. 7. As we have seen, dates in the Pent. are nearly all from P; $120 = 3 \times 40$, the usual round number for a generation.

go out and come in] See on xiii. 13 (14) and xxviii. 6.

the LORD hath said, etc.] iii. 27.

3. *will go over before thee*] ix. 3, where also there follows (with much else) as here, *he will destroy, thou shalt* **dispossess** or **succeed** *them* (but in another form of the vb.). This part of the *v.* may be a later intrusion, for the remainder follows naturally in *v.* 2.

4. *Sihon...Og*] ii. 32 ff., iii. 1 ff., xxix. 7; *Amorites*, iii. 8.

5 *deliver them up before you*] i. 8, vii. 2, etc., with both Sg. and Pl. The change to Pl. here is confirmed by Sam. LXX.

all the commandment, etc.] i.e. that in vii. 2 ff.

6 commanded you. Be strong and of a good courage, fear
not, nor be affrighted at them: for the LORD thy God, he it
is that doth go with thee; he will not fail thee, nor forsake
7 thee. And Moses called unto Joshua, and said unto him
in the sight of all Israel, Be strong and of a good courage:
for thou shalt go with this people into the land which
the LORD hath sworn unto their fathers to give them; and
8 thou shalt cause them to inherit it. And the LORD, he
it is that doth go before thee; he will be with thee, he
will not fail thee, neither forsake thee: fear not, neither
be dismayed.

6. *Be strong and of a good courage*] Cp. iii. 28: *encourage and strengthen him* (causative forms of the same vbs.).

fear not, nor be affrighted] The phrase usual with Pl. passages (for the corresponding Sg. see i. 21 and below *v.* 8). i. 29 takes these vbs. in the reverse order. The Pl. in this part of the *v.* is confirmed by Sam. The LXX has Sg. *per incuriam.*

doth go with thee] xx. 4; *before thee*, i 30. Sam. confirms Sg. The LXX has Pl.

fail thee] *let thee drop*; iv. 31: *not fail nor forsake thee*, so *v.* 8, Josh. i. 5 (deuter.), 1 Chr. xxviii. 20, Heb. xiii. 5. Sg. is confirmed by Sam. LXX.

7. *in the sight of all Israel*] xxxiv. 12.

Be strong and of a good courage] As in *v.* 6 but Sg.; cp. iii. 28. LXX: ἀνδρίζου καὶ ἴσχυε.

go with] Rather **bring**, as in some Heb. MSS, Sam. Vulg. and *v.* 23.

sworn] i. 8.

cause them to inherit] i. 38, iii. 28.

8. See on *v.* 6. On the phrase *fear not, neither be dismayed*, characteristic of the Sg. passages, see on i. 21.

9—13. THE LAW WRITTEN AND DELIVERED TO THE LEVITES, ETC.

Moses wrote this Law and gave it to the priests and elders, charging them to read it every seventh year at the Feast of Booths to all Israel, women, little ones and *gerim* included, that they and their children might evermore fear God and do its words upon the land.—The language is almost purely deuteronomic, and the passage may be original to D (Dillm. Dri., etc.) or from the edition of D, introduced by i.—iii. ('not impossible,' Berth. Marti). Steuern. takes parts of it as original to his Sg. author, the rest due to later expansion, but his analysis is precarious; Cullen (147, 159) as part of the epilogue to the Torah. The order of the passage, between two others relating the commission to Joshua, is

And Moses wrote this law, and delivered it unto the 9
priests the sons of Levi, which bare the ark of the covenant of the LORD, and unto all the elders of Israel. And 10
Moses commanded them, saying, At the end of *every* seven years. in the set time of the year of release, in the feast of tabernacles, when all Israel is come to appear 11
before the LORD thy God in the place which he shall choose, thou shalt read this law before all Israel in their

inexplicable, unless we suppose that in place of *the priests, the sons of Levi...and the elders*, to whom *v.* 9 describes that Moses entrusted the written law, the name of Joshua himself originally stood. And for this there is some evidence in the sing. *thou shalt read* and *assemble* of *vv.* 11 f. But the text is not certain.

9. *Moses wrote this law*] Besides *v.* 24 the only statement to this effect in Deut.

this law] Heb. *Tôrah*, see on i. 5. In Deut. the Code (possibly with hortatory additions, but we cannot tell the exact extent of it here intended, see xxvii. 3) is called Tôrah only in i. 5, iv. 8 (parallel to *statutes and judgements*), iv 44 (a title); twice in the law of the King xvii. 18 f., and nowhere else in chs. v.—xxvi., but in chs. xxvii.—xxxi. no fewer than 14 times, 5 of which are within xxxi. 9—26, and in Jos. i. 8. This unequal distribution is very striking.

the priests the sons of Levi] See on x. 8, xviii. 1. Steuern. takes *the sons of Levi* as secondary, because omitted by LXX, but it is only LXX B which omits the phrase; LXX A and other Codd. have it.

which bare the ark, etc.] See on x. 8.

the elders] See on xix. 12. Marti omits the whole clause, *the priests ...covenant of the LORD*, as a later substitute for the original *Joshua*; but if this theory be correct the rest, *and unto all the elders of Israel*, must also be secondary, since the imperatives in 11 f. are sing.

10. *At the end of* every *seven years...the year of release*] See xv. 1 ff.

set time] Heb. *mo'ed*, in xvi. 6 of a fixed hour of day; here as in Ex. xxiii. 15 (see Dri.'s note) of a season fixed for a sacred festival; for another application see *v.* 14.

the feast of **Booths**] See xvi. 13—15.

11. *appear before*, etc.] Rather **see the face of**, as in xvi. 16; *thy God*, Sam. LXX A and other codd, *your God* LXX B.

in the place, etc.] See on xii. 5.

thou shalt read this law] The Sg. address is striking; for according to *v.* 9 Moses is addressing the priests and elders; nor because of the following *before all Israel* can the whole nation be here addressed. We are left therefore with the supposition that the charge described in this passage was originaliy addressed to one individual, and the context *vv.* 1—8 and 14 ff. make it probable that this was Joshua. Yet the text is uncertain: Sam. has *he* or *one shall read* (not, as Steuern. and Berth.

12 hearing. Assemble the people, the men and the women and
the little ones, and thy stranger that is within thy gates,
that they may hear, and that they may learn, and fear the
LORD your God, and observe to do all the words of this law;
13 and that their children, which have not known, may hear,
and learn to fear the LORD your God, as long as ye live in
the land whither ye go over Jordàn to possess it.

say, *shall be read*, for the vb. is followed by an accusative); the LXX codd. (with few exceptions) have Pl. *ye shall read*, as also in next *v.*; this, however, may be due to harmonising. On *this law* see on *v.* 9.

12. *Assemble the people*] Again Sg. confirmed by Sam. though LXX codd. have Pl. Cp. iv. 10, *assemble me the people*. On *assemble* see v. 22. It is not necessary to take *Assemble...gates* as a later intrusion (Marti) on the grounds that the command to assemble the people is out of order after the previous *v.*, for this may be explained by the looseness of the writer's style and by the writer's use of the Sg., for as we have seen there are reasons for supposing that this is original. On *men, women...gates* see xxix. 11.

hear...learn...fear, etc.] See iv. 10, xiv. 23, xvii. 19.

observe to do] v. 1; *all the words of this law*, *v.* 9.

13. *their children*] Again the characteristic inclusion of these; see on iv. 9 f., vi. 7; *which have not known*, xi. 2.

The text of the forms of address in this *v.* is uncertain:—*your God*, some Sam. readings have *your*, others *their*, LXX B has *thy*, but AF etc. *your*, and others *our*. *Ye live*, some Sam. *you*, others *they*, LXX *they*. *Ye go over*, so Sam. and LXX, on this last phrase see iv. 14, vi. 1, ix. 1, and cp. v. 31.

14—23. AGAIN JOSHUA'S COMMISSION, WITH INTRODUCTION TO MOSES' SONG.

The composition is very curious. In *vv.* 14, 15, 23 we have an account of the charge to Joshua, which is in substance not the continuation of the deuteronomic one in *vv.* 1—8, but parallel to that, and is couched in a phraseology resembling that of E (see notes), to which source it is generally assigned. It is interrupted by *vv.* 16—22, which have nothing to do with Joshua, but are an address of the LORD to Moses, and without connection with *vv.* 14, 15, except that the motive in both cases is the imminent death of Moses. The language, while containing some phrases of E and some deuteronomic formulas, gives to the latter a peculiar turn, and contains besides elements not elsewhere found in the Hex. and speaks of Israel in the masc. sing. in a fashion confined to itself. The passage forms an introduction to the Song in ch. xxxii. Its source is uncertain.

And the LORD said unto Moses, Behold, thy days 14
approach that thou must die: call Joshua, and present
yourselves in the tent of meeting, that I may give him a
charge. And Moses and Joshua went, and presented them-
selves in the tent of meeting. And the LORD appeared in 15
the Tent in a pillar of cloud: and the pillar of cloud stood
[1]over the door of the Tent. And the LORD said unto 16
Moses, Behold, thou shalt sleep with thy fathers; and this
people will rise up, and go a whoring after the strange gods
of the land, whither they go to be among them, and will

[1] Or, *by*

14. *And the LORD said unto Moses, Behold*] No parallel passage in Deut. (i. 42, ii. 9, iii. 2, 26, iv. 10, v. 28, ix. 13, x. 1; cp. ii. 3, 17) includes *behold* except *v.* 16.

thy days, etc.] Lit. *thy days for dying draw near*. Only here and in J, Gen. xlvii. 29, and 1 Kgs ii. 1.

present yourselves] Lit. *take your stand*, elsewhere in Deut. of standing up to a foe (vii. 24, ix. 2, xi. 25, Josh. i. 5), but in JE as here of taking up one's position before the presence of God (Ex. xix. 17, xxxiv. 5, Num. xi. 16, xxiii. 3, 15, Josh. xxiv. 1), or before Pharaoh (Ex. viii. 16, ix. 13).

tent of meeting] Heb. *mo'ed* denotes what is *fixed*, *ordained* either, as in *v.* 10 (*q.v.*), of time, or, as here, of place, where by appointment God meets with man, see Ex. xxv. 22, virtually therefore *tent of revelation* (Germ. 'Offenbarungszelt'); both in E, Ex. xxxiii. 7, Num. xi. 16, xii. 4, and no fewer than 132 times in P; not elsewhere in Deut., in which indeed the Tabernacle is mentioned only here.

that I may give him a charge] In iii. 28 Moses is commanded to charge Joshua.

15. *the LORD appeared... in a pillar of cloud*] With LXX (except for a few cursive MSS) omit *in the Tent*: as the *v.* goes on to say, the pillar stood **over against** *the door of the Tent*. Also it is probable that *appeared* is an emendation (by the change of one letter) for the more anthropomorphic *came down*, which we find in E, Ex. xxxiii. 9, Num. xi. 25, xii. 5. On this verse, *v.* 23 follows immediately (see below).

16. Commences another saying of the LORD to Moses not connected with Joshua or with 14 f. except by reference to the approaching death of Moses.

And the LORD said... Behold] See on *v.* 14.

thou **art about to** *sleep with thy fathers*] In J, Gen. xlvii. 30, and frequently in Kings.

go a whoring after the strange gods of the land] Jehovah was Israel's husband, and her worship of other gods is therefore figured as whoredom (as by Hosea), but the figure is the more forcible that such worship often

forsake me, and break my covenant which I have made
17 with them. Then my anger shall be kindled against them
in that day, and I will forsake them, and I will hide my
face from them, and they shall be devoured, and many
evils and troubles shall come upon them; so that they
will say in that day, Are not these evils come upon us
18 because our God is not among us? And I will surely
hide my face in that day for all the evil which they
shall have wrought, in that they are turned unto other
19 gods. Now therefore write ye this song for you, and teach
thou it the children of Israel: put it in their mouths, that
this song may be a witness for me against the children
20 of Israel. For when I shall have brought them into the

involved physical unchastity as well. *Strange*, or *foreign*, *gods*, not elsewhere in Deut. (though in the Song, xxxii. 12), is found in E, Gen. xxxv. 2, 4, Josh. xxiv. 20, 23, and in some later books. *Of the land whither* **it goeth in** is probably a gloss (Klost., Dillm., Dri., etc.), for it renders the construction of the *v.* very awkward, which R.V. seeks to relieve by inserting the words 'to be.' *Forsake me*, xxviii. 20, and in E, Josh. xxiv. 16, 20. *Break my covenant* is found in the Hex. only here, *v.* 20 and H, Lev. xxvi. 15, 44 and P, Gen. xvii. 14, but is not uncommon elsewhere.

17. None of the clauses in this *v.* is characteristic of Deut. *My anger shall be kindled against* **it**, JE, Num. xi. 10; for *in that day*, as Dillm. points out, Deut. has elsewhere *at that time*; *I will forsake them*, contrast *vv.* 6, 8, iv. 31; *hide my face from them*, in Pent. only here and *v.* 18; **it** *shall be devoured*, cp. vii. 16; *come upon* **me** *because* **my** *God is not* **in my midst**, i. 42. Note that in *vv.* 16—18, 20 Israel is referred to in the Sg. Yet Sam. and LXX have many plurals here.

18. *hide my face*] Some Heb. MSS, Sam., LXX, etc., add *from them*; but the Heb. has the next vbs. in Sg. *evil which* **it has wrought**, and **it** *turned to other gods* (Sam. *they* and *they*). The Heb. vb. is *panah*, not used exactly so elsewhere in Deut., but cp. xxix. 18 (17), xxx. 17, and below *v.* 20.

19. *write ye this song for you*] This Pl. can be justified only by reference to Moses and Joshua both, but only Moses is addressed in *v.* 10, and in the light of the following singular imperatives *teach thou*... **and** (Sam., LXX, Syr.) *put*, and of *v.* 22, *Moses* (alone) *wrote*, read **write thou**...**for thee.** LXX has the plural throughout, Syr. repeats the Heb. text.

a witness for me against the children of Israel] By showing that God had sufficiently forewarned, and pleaded with, them (cp. *v.* 26). Apart from the question of the date of the Song there is no doubt that Israel

land which I sware unto their fathers, flowing with milk and honey; and they shall have eaten and filled themselves, and waxen fat; then will they turn unto other gods, and serve them, and despise me, and break my covenant. And it shall come to pass, when many evils 21
and troubles are come upon them, that this song shall testify before them as a witness; for it shall not be forgotten out of the mouths of their seed: for I know their imagination which they go about, even now, before I have brought them into the land which I sware. So Moses 22
wrote this song the same day, and taught it the children of Israel. And he gave Joshua the son of Nun a charge, 23
and said, Be strong and of a good courage: for thou shalt

had been forewarned by the prophets, that they would perish if they ventured to reject His commands; and further it is generally true that no punishment for sin is ever unforeseen by the conscience of the sinner. On *children of Israel*, never found in D, but always editorial in Deut., see on *v.* 23.

20. **For I shall bring it** *into the land which I sware unto* **its** *fathers*] vi. 10, but also in E. On *flowing with milk and honey*, see vi. 3.

and **it shall eat and be satisfied and grow fat**] Cp. vi. 11, viii. 12, xxxii. 15. Here even the deuteronomic phrases receive a peculiar form. **And it** *will turn*, as in *v.* 18; *despise me*, not elsewhere in Deut., but in JE, Num. xiv. 11, 23, xvi. 30, and in the Song, ch. xxxii. 19; *break my covenant*, as in *v.* 17. The only plur. vbs are *serve, despise*.

21. *many evils...are come upon* **it**] Cp. *v.* 17; *this song shall testify* **to its face**, the same vb. as in xix. 18; *as a witness*, *v.* 19; **its** *seed*; **its** *imagination*, *yéṣer*, lit. *moulding*. This term and its synonyms are applied in the O.T. to evil imaginations in rebellion against God (e.g. Gen. vi. 5, viii. 21, Ps. x. 2, cxl. 2, Prov. vi. 18, Lam. iii. 60 f.) except in two passages (1 Chr. xxviii. 9, xxix. 18), where they are used indifferently, and in Is. xxvi. 3 where the *yéṣer* or *imagination* is described as *stayed* on God.

before **I bring it** *into the land*, etc.] See *v.* 20.

22. See *v.* 19.

23. The immediate continuation of 14 f., which we have seen reasons for assigning to E.

And he gave] The subject is not Moses, as the present context of this *v.* suggests, but must be Jehovah, as in *v.* 15; this is quite certain from the following *I sware unto them* and *I will be with thee*.

son of Nun] i. 38.

Be strong and of a good courage] As in *vv.* 6, 7; only found in Deut., and the deuteron. Josh. i. 6, 9, 18, x. 25; but possibly derived from E.

bring the children of Israel into the land which I sware unto them: and I will be with thee.

24 And it came to pass, when Moses had made an end of writing the words of this law in a book, until they were

children of Israel] Not deuteronomic (see on iv. 44), but a frequent term for the people in E, Ex. iii. 9—11, 13—15, ix. 35, x. 20, 23, xiii. 18 f., xiv. 10, xx. 22, xxiv. 5, xxxii. 20, xxxiii. 5; and also found in J and P.

bring into the land] So in E, Josh. xxiv. 8, Ex. xiii. 5, 11.

I will be with thee] So in E, Ex. iii. 12, but also in J and in Deut.

24—30. AGAIN THE LAW-BOOK (?) AND THE SONG.

A less vague description of these *vv.* is not possible. The text says that Moses having written the Law in a book charged the Levites to put it beside the Ark as a witness *against thee* (24—26). For Israel, which has been rebellious in his life—here the address changes from Sg. to Pl.—will be more so after his death (27). They shall assemble the elders of their tribes and officers that he may recite to them *these words* and call heaven and earth to witness against them. For after his death they will corrupt themselves and evil will befall them in the latter days (28—30).—*These words* can hardly refer to the Law, already recited to the people; they must be *the words of this Song* (*v.* 30) which follows in xxxii. If the text be original which reads *Tôrah* = *Law* in *vv.* 24, 26, then *vv.* 24—26 are parallel (not consecutive) to 9—13, and we cannot conjecture a reason for separating the two passages by 14—23, on Joshua and the Song.

Staerk (followed by Steuern. and Berth.) holds that *Tôrah* was originally *Shirah* = *Song*. This conjecture is attractive. It restores unity to *vv.* 24—30 and their natural connection with 16—22, and gets rid of the improbable fact that both Law and Song are described as *witness against* Israel: note too that *this book* (24, 26) is not to be put in, but beside, the Ark. At the same time there is no other evidence (in the versions or elsewhere) that *Shirah* may have stood in place of *Tôrah*, the Law may equally well with the Song be described as a *witness against* Israel, and the phrase *these words* more usually refers to what precedes than to what follows it. Notice a symptom of compilation, in that while the Levites are addressed in *v.* 25 it is all Israel, *against thee*, which is addressed in *v.* 26. The whole passage is therefore editorial, and the questions it raises are insoluble by us.

Staerk distinguishes two introductions to the Song, *vv.* 16—22, 24—30, and so independently Driver; note the difference in their styles. Cullen (p. 181) retains the reading *Tôrah* = *Law*, and takes 24—29 as a later addition to 9—13, the original conclusion of the epilogue to the Code of D composed when Israel's attitude to this was still satisfactory, and added when the nation fell away. For another view see the *Oxf. Hex.*

24. *had made an end of writing the words of this law*] If *Law* be the original reading, *vv.* 24—26 are not the sequel, but a parallel to 9—13, for 9 also implies the completion of the writing of the Law in recording its delivery to *the priests, the sons of Levi*. But, as already

finished, that Moses commanded the Levites, which bare 25
the ark of the covenant of the LORD, saying, Take this 26
book of the law, and put it by the side of the ark of the
covenant of the LORD your God, that it may be there for a
witness against thee. For I know thy rebellion, and thy 27
stiff neck: behold, while I am yet alive with you this day,
ye have been rebellious against the LORD; and how much
more after my death? Assemble unto me all the elders of 28
your tribes, and your officers, that I may speak these words
in their ears, and call heaven and earth to witness against
them. For I know that after my death ye will utterly 29
corrupt yourselves, and turn aside from the way which
I have commanded you; and evil will befall you in
the latter days; because ye will do that which is evil in

said, it has been conjectured that for *Law* = *Tôrah* we should read *Song* = *Shîrah*.

until they were finished] *v.* 30, ii. 15; cp. Josh. iv. 10, v. 6, viii. 24, x. 20.

25. *the Levites which bare*, etc.] See on *v.* 9, x. 8, xvii. 18. These cannot be P's Levites, who could not enter the Holy of Holies where the Ark lay. On *the Ark of the Covenant* see note on x. 8.

26. *this book of the law*] xxix. 21 (20), xxx. 10.

for a witness, etc.] Not a deuteronomic phrase; but cp. *testimonies* in iv. 45; *against thee*, here all Israel is addressed, whereas in *v.* 25 it is the Levites.

27. *thy rebellion, and thy stiff neck...ye have been rebellious*] Cp. i. 26, 43, ix. 6 f., 13, 23 f., x. 16.

28. *Assemble*] Imperative Pl. See on *v.* 12, and v. 22.

elders of your tribes, etc.] LXX *heads of your tribes*, adding **and your judges**, and some LXX codd. also add *elders*. Cp. v. 23, xxix. 10 (9).

these words] Though this phrase usually refers to what precedes, it is more probable that here what follows, i.e. the Song, is meant, as indubitably is the case in Ex. xx. 1.

29. *after my death*] Readers of the Heb. text will compare with the position of this clause in the *v.* the construction in xiii. 12 (13).

ye will **surely** *corrupt yourselves*] See on iv. 16, 25, and for another form of the same vb. ix. 12, xxxii. 5.

turn aside, etc.] ix. 12, 16, xi. 28.

evil will befall you] As in Jer. xliv. 23; another vb. is used in *vv.* 17, 21. For *in the latter days* see on iv. 30.

do that which is evil, etc.] See on iv. 25, where the phrase is also followed as here by *to provoke him to anger*. Cp. ix. 18.

the sight of the LORD, to provoke him to anger through the work of your hands.

30 And Moses spake in the ears of all the assembly of Israel the words of this song, until they were finished.

work of your hands] That is idols, Jer. xxv. 14. Contrast *work of thy hand* in a good sense, ii. 7.

30. EDITOR'S TITLE TO THE SONG.

30. *all the assembly of Israel*] See on v. 22.

the words...finished] See on *v.* 24. This *v.* is no doubt from the hand of an editor; see below.

CH. XXXII. 1—43. THE SONG.

Though not comparable to other masterpieces of Hebrew poetry either for beauty of metaphor, or musical diction, or fineness of spiritual insight, this strong poem is distinguished by the fire, force, and sweep of its superb rhetoric. Granted its limits—for it is neither an epic nor a lyric, but a didactic ode addressed with a practical purpose to a sinful generation—it has no peer in the O.T.

The editor of the Pent., who has ascribed it to Moses (xxxi. 30; cp. 19, 22, *these words* in 28, and the possible reading *song* instead of *law* in 24), asserts that its main purpose is to testify beforehand against Israel; whereas the poem itself strikes its keynote (*v.* 2) as one of mercy and of hope, and emphatically concludes on this keynote (34—43). The poem makes no claim to be by Moses, and reflects nothing of his time or circumstances. On the contrary it is addressed throughout to a generation at a remote distance from Israel's origin in the desert (7—12). Not only is their carriage to, and settlement upon, the Land long past (13 f.); but they have become demoralised by their enjoyment of the wealth of the Land, succumbed to strange gods, forsaken Jehovah, and suffered His chastisements, which are described—exactly as by the earlier prophets—as a series of national calamities, famine, plague, pestilence, and wild beasts, culminating in war and defeat at the hands of a new and alien people (15—25). So worthless are they that Jehovah would have destroyed them but for the fear that the arrogant foe would vaunt this as his own work. Therefore He relents and turns His wrath upon the foe; Israel's deliverance is near, their blood will be avenged and their land assoiled (26—43).

The evidence of the Song is thus clearly of a date far subsequent to Moses. The only question is to which of the many sufferings of the long settled people we are to assign it. As to this the data are in conflict.

Some critics are satisfied that the period of the Syrian wars alone suits the effects of the divine wrath reflected in the Song (Knobel, Dillm., etc.); they compare *v.* 36 with 2 Kings xiv. 26, emphasise the absence of all threat of Exile, argue for the identity of the *no-people* who execute God's anger on Israel with the Syrians, and

Give ear, ye heavens, and I will speak; 32
And let the earth hear the words of my mouth:"

explain the number of words in the Song not found elsewhere (see below) as due to its northern origin. Others have identified the *no-people* with the Assyrians, either at the time of the fall of Samaria (Reuss) or during the invasion of Sennacherib; to which the objection is reasonable that *vv.* 40 f. do not suit the Assyrians, and that there is no threat of Exile, an essential part of the Assyrian policy towards defeated enemies, as all the prophets of the period recognise. On the grounds of the literary affinities of the Song with Jeremiah, Ezekiel, the exilic 'Isaiah' xl.—lv., and the Wisdom literature, more recent critics have brought it down to the Babylonian Exile, some to the eve or beginning of this (Kuen., Dri, etc.), others to its end on the ground that the deliverance of Israel is near (Steuern., Moore, the *Oxford Hex.*, Berth., Robinson, and Marti). The *no-people* would thus be the Chaldeans.

The literary reasons for an exilic date are not slight (see notes). But on the other hand, there is the absence of reference to exile as the culmination of the apostate Israel's punishment. Is it possible to conceive that an exilic poet could have ignored the Exile? The present writer thinks not. If the author of the Song be really echoing Jer., Ez., and the exilic 'Isaiah,' it is all the more strange that he does not speak of banishment or captivity. The only theory which would reconcile this conflict between the literary phenomena of the Song and its reflection of circumstances upon which exile does not lower, is that an exilic writer composed it with exclusive reference to a generation far earlier than his own, which is not unlikely when we consider the early subjects of certain late Psalms; or else that a poem originally written before the Assyrian period of Israel's history received additions from an exilic scribe, for the affinities with Ez. and the exilic 'Isaiah' are not many.

The rhythm is one frequent in Heb. poetry: parallel couplets with, in the main, three stresses or accents to each line, but as in other O.T. poems of the same structure there are a considerable number of lines with only two stresses, and occasionally there is one of four, though this may not be original but due to bad tradition of the text. As Heb.—especially by virtue of its verbal suffixes—can express by one word with one accent ideas or feelings which it takes two or three to express in English, the rhythmical translation offered below is only a rough approximation to the metre of the original. As in many Heb. poems, there is no division into strophes. The rush of the rhetoric does not allow of this. The divisions given below are simply for the sake of convenience.

1—3. The Exordium.

1 Give ear, O Heavens, let me speak,
And let Earth hear the words of my mouth.
2 May my message drop as the rain,
My speech distil as the dew,
Like mists on the grass,
And like showers on the herb.
3 For the name of the Lord I proclaim,
To our God give the greatness!

1. *heavens...earth*] To these he appeals, not as witnesses of the divine events which he is about to declare (so iv. 26, xxxi. 28), nor as

2 My doctrine shall drop as the rain,
My speech shall distil as the dew:
As the small rain upon the tender grass,
And as the showers upon the herb:
3 For I will proclaim the name of the LORD:

proofs of the regularity or goodness of the divine action (so frequently in the Prophets and Pss.[1]), but in the feeling that so great a theme—God's dealings with His people—demands no less an auditory! The faith of the prophets (of so small and so irresponsive a people) in the infinite interest of their message, in its power of reverberating through the universe, is very striking. And such an assurance, because spiritual and not material, remains steadfast (Carlyle in some of his moods notwithstanding) whatever views be taken of the Universe, whether pre-Copernican or post-Copernican. It is the conviction of man which commands Nature, and not Nature which crushes the conviction. The Universe cannot silence, but must listen to, the spiritual truth. M. Henry interprets less probably: Heaven and Earth will listen sooner than this unthinking people, for they revolt not from their obedience to their Creator, Ps. cxix. 90 f.

2. *My doctrine*] Lit. *my taking*, what I have *received* and *take* to men, my **message**; cp. St Paul 1 Cor. xi. 23, ἐγὼ γὰρ παρέλαβον ἀπὸ τοῦ κυρίου ὃ καὶ παρέδωκα ὑμῖν. Or alternatively, what I have *apprehended* or *learned*; so commonly in the Wisdom literature for *instruction* or *learning*, Prov. i. 5, iv. 2, ix. 9 (cp. Isai. xxix. 24), but also for *apprehensibleness, persuasiveness*, xvi. 21, 23.

My speech] Sam., LXX, Syr. prefix *and*.

small rain] Heb. *s^e·îrîm*, only here (therefore Lag. emends to *r^esîsîm rain-drops* or *fine rain*, Cant. v. 2). Translate **mist**. The word may be connected with *se'ar, hair* (Ar. *sha'ir*, 'to be hairy'), as the Scot. *haar* and Lincolnshire *harr* = 'sea-mist' are connected with 'hair.' Musil, however, says that certain Arab tribes who connect the successive winter-rains with different stars or constellations, call the fourth of the series *esh-She'ri* or *She'ra*, meaning 'the Sirius-rain.'

tender grass] Heb. *děshě, fresh young grass*.

showers] Heb. *r^ebîbîm*, lit. lavish or frequent showers; Ar. *rababa*, 'much water.'

Thus the Song strikes its keynote—the note to which it returns in the end after its indictment of the people—of quickening and refreshing power for the tender hopes of Israel after the long drought of their captivity. Others think that the figure includes that of a beating and sweeping rain for the rebellious (so a Chaldee paraphrast), as if it were meant that the Song would be a savour of life unto life to some, but of death unto death to others. This is not borne out by the terms of this *v.*

3. *proclaim the name of* **Jehovah**] See J, Ex. xxxiii. 19, where

[1] Cp. Carlyle: 'The stars in the heavens and the blue-bells by the wayside shew forth the handiwork of Him who is Almighty, who is All Good. In a bad weak world what would become of us did not our hearts understand at all times that this is even so?' (*Life* i. 338).

Ascribe ye greatness unto our God.
The Rock, his work is perfect; 4
For all his ways are judgement:
A God of faithfulness and without iniquity,
Just and right is he.
They have [1]dealt corruptly with him, *they are* not his 5
children, [2]*it is* their blemish;

[1] Or, *corrupted themselves*, they &c. [2] Or, but *a blot upon them*

name = character and is parallel to *glory* (*v.* 18) as above, xxvi. 19, it is parallel to *praise* and *honour*. Both ideas, *character* and *renown*, are probably included here. Cp. xii. 5, xxviii. 58.

give *ye greatness unto our God*] Cp. iii. 24, Ps. xxix. 1 f.

4—6. God's Faithfulness, Israel's Folly.

4 The Rock—outright is His working!
Yea, all of His ways are Law,
The God of troth, without treason,
Righteous and upright is He.
5 His sons have dealt corruptly with Him...(?),
A twisted and crooked generation!
6 The Lord do ye thus requite,
O foolish folk and unwise?
Is He not thy sire who begat thee,
He 'tis that made and hath framed thee.

4. *The Rock*] Or *a Rock*. This name, *Sûr*, is applied in *vv.* 15, 18, 30, 31, 37, both to Israel's God and to others. It appears to have been a general Semitic figure for the divine unchangeableness and its refuge for men, and virtually a synonym for God; LXX, θεός as here, βοηθός, φύλαξ and even δίκαιος (1 Sam. ii. 2). In Assyr. Bel and other gods are called 'great mountain'; and with other Semites several theophorous names are compounded with *sur*, e.g. Bar-sur in the Senjerli inscription and others in S. Arabia (Zimmern, *KAT*[3], 355, 358, 477).

his ways are judgement] Rather **Law**. Heb. *mishpaṭ*, which means now a single law or judgement and now justice, is here Law in the sense of order or consistency. So Isai. xxx. 18 *a God of mishpaṭ*. Having laid down the lines of His action in righteousness and wisdom He remains in His dealings with men consistent with those. The idea is expounded in the next two lines: *Iniquity* is to be taken in its primary sense of *breach* or *deviation*, *treason*. For *he* LXX read *Jehovah*.

5. The text of the first line is corrupt; lit. *he has dealt corruptly* (as in ix. 12, cp. xxxi. 29) *with him, not his sons, their blemish*. Sam. LXX: *they dealt corruptly not his sons, blameworthy things*. Possible

They are a perverse and crooked generation.
6 Do ye thus requite the LORD,
O foolish people and unwise?
Is not he thy father that hath [1]bought thee?
He hath made thee, and established thee.
7 Remember the days of old,
Consider the years of many generations:
Ask thy father, and he will shew thee;
Thine elders, and they will tell thee.
8 When the Most High gave to the nations their inheritance,
When he separated the children of men,

[1] Or, *possessed* Or, *gotten*

emendations, *they dealt corruptly with him sons of blemish; his sons have corrupted their faithfulness to him*; or as above. The line is overloaded. On *blemish* in physical sense see xv. 21, xvii. 1.

twisted *and crooked*] Or *tortuous*; cp. v. 20.

6. Is it Jehovah *ye thus requite*] So the emphatic Heb. order.

foolish] See on xxii. 21: *folly*.

bought] Rather **begat** or *produced*. Gen. iv. 1, xiv. 19, 22.

established] Or *framed, set up, settled*.

7—14. ORIGIN AND PROGRESS OF ISRAEL.

7 Remember the days of old,
Scan the years, age upon age;
Ask of thy sire that he shew thee,
Thine elders, that they may tell thee.
8 When the Highest gave nations their heritage,
When He sundered the children of men,
He set the bounds of the peoples
By the tale of Israel's sons (?)
9 For the LORD's own lot is Jacob,
Israel the scale of His heritage.

7. *Remember*] Heb. Sg.; Sam., LXX Pl.

days of old...generations] One of many signs of the distance of the generation to which the Song is addressed from the time of the Wilderness and the entrance to the Promised Land.

that he shew thee...that they tell thee] So the Heb.

8. *Most High*] Heb. *'Elyón*, Num. xxiv. 16, Isai. xiv. 14, and many Pss.

gave...inheritance] See i. 38.

separated] Gen. x. 32 (P).

He set the bounds of the peoples
According to the number of the children of Israel.
For the LORD'S portion is his people; 9
Jacob is the lot of his inheritance.
He found him in a desert land, 10
And in the waste howling wilderness;
He compassed him about, he cared for him,
He kept him as the apple of his eye:

children of Israel] The purpose of His division was to leave room for Israel's numbers.

But for *the sons of Israel* LXX has ἀγγέλων θεοῦ, *angels of God*, i.e. *sons of 'El*, after a late Jewish conception of a guardian angel for each nation (Dan. x. 13, 20 f., xii. 1, Ecclus. xvii. 17), an antithesis to Jehovah's own guardianship of Israel in the following *vss.*, which accordingly LXX introduces by *and* *but* in place of Heb. *for*. This reading and interpretation is accepted by Steuern., Berth., Marti, Robinson. But the text as read by the LXX seems to be rather an adaptation of the Heb. to the conception aforesaid (Dillm.): and it is difficult to see how the Heb. arose out of the LXX text if the latter was original.

9. *portion*] Or **lot**; in xii. 12 with *inheritance*.

his people] LXX removes *Jacob* to this line, and to the end of the following adds *Israel*. In that case *his people* is superfluous both to the sense and to the rhythm.

lot] Lit. *measuring-rope*, i.e. *scale* or *range*; cp. ix. 26, Ps. cv. 11.

10 In a desert land He found him,
In the void and howl of the waste.
He swept around him, He scanned him,
As the pupil of His eye He watched him.
11 As an eagle stirreth his nest,
Fluttereth over his young,
Spreadeth his wings, doth catch them,
Beareth them up on his pinions,
12 The LORD alone was his leader,
And never a strange god with Him.

10. *found him*] This and the following vbs. are in the Heb. imperf.; this for the sake of vividness, the rest expressive of iteration. On Israel being found *in the desert*, cp. Hos. ix. 10, Jer. ii. 2. The O.T. tradition is constant that the Hebrews were originally nomad, desert tribes (see the present writer's *Early Poetry of Israel*, 39 ff., 56 ff.; and above on i. 28).

void and howl] Or *the void of the howl = howling void*.

compassed him about] Rather *keeps circling around him*.

cared] Rather *regarded* or **scanned** *him* penetratingly.

kept] Better *watched* or **guarded**.

apple of his eye] **Pupil** is a happier rendering of the Heb. *'îshôn* (Ar. *'insân*), *mannikin*, the image reflected in the centre of the eye.

11 As an eagle that stirreth up her nest,
That fluttereth over her young,
[1]He spread abroad his wings, he took them,
He bare them on his pinions:
12 The LORD alone did lead him,
And there was no strange god with him.
13 He made him ride on the high places of the earth,
And he did eat the increase of the field;
And he made him to suck honey out of the rock,
And oil out of the flinty rock;
14 Butter of kine, and milk of sheep.

[1] Or, *Spreadeth abroad her wings, taketh them, beareth them on her pinions*

11. *eagle*] Heb. *nesher*, see on xiv. 12, 17; not *her nest* or *young*, but **his**, the father bird's; Ex. xix. 4, cp. above i. 31.

Spreadeth *his wings*, **doth catch** *them*, **beareth**, etc.] As in R.V. marg. preferable to R.V. text. All these clauses still describe the eagle.

12. *did lead him*] Still the imperf. for vividness.

strange] Not the adj. in *v.* 16, but *foreign*, xv. 3, xxxi. 16.

13 He made him to ride the highlands,
And to eat of the fruit of the hills,
Suckled him with honey from the crag
And oil of the flinty rock,
14 Curd of the kine, milk of the flock,
With the fatness of lambs and of rams,
Bulls of Bashán and he-goats,
With the finest flour of the wheat—
And the grape's blood thou drankest in foam!

13. *ride on the* **heights**] Cp. Am. iv. 12.

and **to eat of the fruit of the hills**] So Sam. and LXX for the Heb. *he doth eat*; **hills** not *fields* as in xxviii. 3, Heb. *sadai*, early form *sadeh*, in the earlier sense of that word (see on v. 21) as in Jud. v. 4, parallel to heights or high places. Israel's territory was a highland one.

suckles] With Sam. and Syr. omit *and*.

honey] The honey of the O.T. is wild, as here, Jud. xiv. 8 ff., 1 Sam. xiv. 25 ff., Ps. lxxxi. 16; apiculture, a very ancient craft, is not implied till the N.T. speaks of wild honey (Matt. iii. 4, Mark i. 6). See further *Jerus.* I. 306 f., *EB.* art. 'Honey,' and *ZDPV.* XXXII. 151.

oil **of** *the flinty rock*] Lit. *the flint of the rock*. The olive never yields oil so richly as on limestone terraces and their débris; see *Jerus.* I. 300.

14. Curd *of kine*] Fermented milk, Ar. *leben*.

With fat of lambs,
And rams of the breed of Bashan, and goats,
With the fat of kidneys of wheat;
And of the blood of the grape thou drankest wine.
But Jeshurun waxed fat, and kicked: 15
Thou art waxen fat, thou art grown thick, thou art become sleek:

fat of lambs and **of** *rams*] So LXX, bringing forward *rams* from next line.

Bulls *of Bashán*] Lit. *the sons*, or *breed*, of Bashán (iii. 1), celebrated for its steers, Ps. xxii. 12 (13), etc.

fat of **the** *kidneys*] The richest fat, Lev. iii. 4, Isai. xxxiv. 6; here figuratively of the richest wheat.

blood of the grape thou drankest **in foam**] There is no need to read with the LXX *he drank* (so Steuern. to harmonise with the next line), nor to take the line as a gloss (Marti), though it be an odd line and not one of a couplet. This is the climax of the passage of Israel from the nomadic to the agricultural stage of life, and is still regarded as the last distinction of the fellah from the Bedawee; cp. xxxiii. 28, Gen. xlix. 11 f. *Foam* (EVV. *wine*), Heb. *hemer* from root *hmr*, to *ferment* or *foam*; cp. Pss. xlvi. 3 (4), lxxv. 8 (9).

15—18. The Fulness and Apostasy of Israel.

15 Jacob ate and was full,
Fat waxed Jeshurun and kicked,
—— Thou *wast* fat, thou *wast* plump, thou *wast* sleek!
He forsook the God who had made him,
And befooled the Rock of his succour.
16 With strangers they moved Him to jealousy,
With abominations provoked Him,
17 They sacrificed to demons not God,
Gods whom they never had known,
New ones, lately come in,
Your sires never trembled at them.
18 Of the Rock that thee bare thou wast mindless,
And forgattest the God that had travailed with thee.

15. The line (*And*) **Jacob ate and was full** is added by Sam. to the previous *v.*, but by the LXX to this one to which it is more suitable; cp. xxxi. 20, Neh. ix. 25.

Jeshurun] xxxiii. 5, 26, Isai. xliv. 2, a name for the people (cp. *Jashar*, Jos. x. 13, 2 Sam. i. 18) with a play upon the name *Israel*; and, as it means *honest* or upright, it is used here sarcastically of so delinquent and perverse a race.

Thou **wast** *waxen fat*...**plump**...*sleek*] Note the change to the 2nd

Then he forsook God which made him,
And lightly esteemed the Rock of his salvation.
16 They moved him to jealousy with strange *gods*,
With abominations provoked they him to anger.
17 They sacrificed unto demons, *which were* no God,
To gods whom they knew not,
To new *gods* that came up of late,
Whom your fathers dreaded not.
18 Of the Rock that [1]begat thee thou art unmindful,

[1] Or, *bare*

pers. and the fact that if the additional line from the Sam. and LXX be prefixed to the *v.* this line forms an odd one among its couplets; which may be taken as an argument against either its originality or that of the line added by the LXX. *Sleek*, perhaps we should read the same vb. as in Jer. v. 28 (Grätz); the Heb. vb. here means *thou art gorged*.

God] Heb. '*Eloᵃh*, 'probably only a secondary form obtained inferentially from 'Elohîm,' only in late writings, chiefly poetry.

lightly esteemed] Rather **held**, or *treated*, **as a fool**. Mic. vii. 6. How often in their superstition men act as if God could be tricked, and in their immorality as if He were senseless. Yet God is sensitive, as the next *v.* declares, and as Isaiah says is *wise*. On *Rock* see *v.* 4.

16. *moved him to jealousy*] This form of the vb. is found only here, and in *v.* 21 *b*, Ps. lxxviii. 58; another form in *v.* 21 *a* On God's jealousy see iv. 24.

strange] Jer. ii. 25, iii. 13. See above on *v.* 12.

abominations] See vii. 25, and cp. 'Isai.' xliv. 19.

provoked] iv. 25.

17. *demons*] Heb. *shedîm*, only here and in Ps. cvi. 37, 'certainly a Babylonian loan-word,' *shedu*, a good demon figured in the bull-colossi that guarded the entrances to temples (Zimmern, *KAT*³, 455 f., 460—2, 649); but according to Ps. cvi. 37 human sacrifices were offered them, which of course does not preclude the idea that they were protective spirits.

no God] Heb. '*Eloᵃh* as in *v.* 15.

whom they **had not known**] xi. 28, xiii. 2, 6, 13, xxviii. 64.

new **ones lately come in**] Or *arrived*.

dreaded] Lit. *bristled* or *shuddered at*, Heb. *saᶜar*, as in Jer. ii. 12, Ezek. xxvii. 35, xxxii. 10. Some, however, translate *knew*, on the strength of the Ar. *saᶜara*.

18. *Rock*] See on *v.* 4; *God*, Heb. '*El*. The predicates used of Him are generally interpreted as if attributing to Him the functions both of father and mother. But the first vb. is more usually in the O.T. of the mother, and is rightly rendered here by R.V. marg. *bare*;

And hast forgotten God that gave thee birth.
And the LORD saw *it*, and abhorred *them*, 19
Because of the provocation of his sons and his daughters.
And he said, I will hide my face from them, 20
I will see what their end shall be:
For they are a very froward generation,
Children in whom is no faith.
They have moved me to jealousy with that which is not 21
God;

the second, *gave thee birth*, is rather **was in travail with thee**; cp. Num. xi. 12.

19—25. GOD'S VENGEANCE.

19 But the LORD saw and He spurned,
From grief with His sons and His daughters.
20 'Let me hide my countenance from them,
I will see what their end shall be.
For an upsetting race are they,
Sons without steadfastness in them.
21 They moved me to jealousy with a nó-god,
With their vanities vexed me
And I make them jealous with a no-people,
With an infidel nation will vex them.'

19. *abhorred*] **Spurned**, *contemned*, *discarded*, xxxi. 20, Jer. xiv. 21. The next line gives the motive, not as in R.V., but **from grief** *with his sons*, etc.

20. *And he said*] A gloss, it overloads the rhythm.
Let me hide, etc.] xxxi. 17 f.
their end] Lit. *their afterwards*, see on iv. 30.
a very froward, etc.] Heb. is stronger, *a generation of upturnings* or *overthrows* (only here and in Prov.); not *perverse* but *subversive*; and so *children in whom is no faithfulness, reliableness*, or 'staith.'

21. *moved...to jealousy*] See on *v.* 16. Mark the antitheses: no-god (*lo'-'el*), no-people (*lo'-'am*, as hitherto outside the nations known and to be reckoned with, by Israel, as unfit to serve any Divine purpose); and *vanities* (lit. *breaths*, or as we should say, *bubbles*, so in Jer. of the heathen gods, viii. 19, etc.) and *foolish* (*nabal*, chosen perhaps both because of its probable root-meaning *fading*, *worthless*, parallel to vanities, and because it was used in a religious sense, *godless*, *infidel*). See Paul's application of the *v.* in Rom. x. 19.

22 For a fire has flared from my wrath,
And burned to the lowest Shĕ'ól,
It devours earth and her increase,
It flames round the roots of the hills.

They have provoked me to anger with their vanities:
And I will move them to jealousy with those which are not a people;
I will provoke them to anger with a foolish nation.
22 For a fire is kindled in mine anger,
And burneth unto the lowest [1]pit,
And devoureth the earth with her increase,
And setteth on fire the foundations of the mountains.
23 I will heap mischiefs upon them;
I will spend mine arrows upon them:
24 *They shall be* wasted with hunger, and devoured with [2]burning heat
And bitter destruction;

[1] Heb. *Sheol.* [2] Heb. *burning coals.* See Hab. iii. 5.

23 I will sweep up evils upon them,
Against them exhaust mine arrows.
24 Drained by famine, devoured by fever (?)
And poisonous pestilence (?),
The teeth of brute beasts will I send them,
With venom of things that crawl in the dust.
25 Abroad shall the sword bereave,
And terror be in the chambers—
As well the youth as the maiden,
The suckling and gray-headed man.

22. *is kindled*] but with the force of flaring up quickly, Jer. xv. 14, xvii. 4, 'Isai.' l. 11, lxiv. 2 (1); it is not necessary to render *'aph*, *anger*, by its original meaning *nostril*.

pit] Heb. *She'ol*, *underworld*, Ps. lxxxvi. 13.

increase] See xi. 17.

And setteth on fire] *licks* or *flames about*; only in late writings.

23. *heap*] According as we point the consonants of this vb., it may mean *add*, or *gather*, or *sweep up; evils*, xxxi. 17.

24, 25 define the *arrows* of *v.* 23 famine, fever, plague, wild beasts and poisonous, and war.

24 a. The rhythm is irregular whether for a line or couplet, and the text uncertain, the first and last words are only found here and their sense is conjectural.

From Sam. it is possible to read the first word *mizzēh*, *on this side*, and to reconstruct the whole as a regular couplet yielding the kind of antithesis beloved by the writer (*vv.* 21, 25) and free of the ἅπαξ λεγόμενα

mizzeh rā'ab yilham — On this side famine devours,
mizzeh rĕshĕph w^e kĕtĕl — On this side fever and plague.

Wasted is a meaning drawn from a doubtful Ar. analogy; *burning heat*, Heb. *resheph*, *fire-bolt* or *flame* as God's instrument of fever, in Hab. iii. 5 parallel to *pestilence*.

And the teeth of beasts will I send upon them,
With the poison of crawling things of the dust.
Without shall the sword bereave, 25
And in the chambers terror;
It shall destroy both young man and virgin,
The suckling with the man of gray hairs.
I said, I would scatter them afar, 26
I would make the remembrance of them to cease from among men:
Were it not that I feared the provocation of the enemy, 27
Lest their adversaries should misdeem,
Lest they should say, Our hand is exalted,
And the LORD hath not done all this.

24 b. *beasts*] Heb. *Bᵉhemôth*. For this natural curse of the East cp. vii. 22, Hos. ii. 12. The contrast in Isai. xi. 6—9.
crawling things] Mic. vii. 17, cp. Isai. xi. 8, Jer. viii. 17.
25. War the climax to these natural plagues, just as in Amos vii.

26—33. THE STAY OF GOD'S VENGEANCE.

26 'I had said, "I will blow them away (?)
And still among men their remembrance,"
27 Had I feared not the taunt of the foe,
Lest their enemies misconstrue,
And should say, "Our hand was high,
Nor was this the work of Jehovah!"
28 For a rede-lorn people are they,
And among them insight is not.
29 Were they wise this would they ken,
See through to their fate at the last.'
30 How could one have chased a thousand,
Or two put ten thousand to flight,
Were it not that their Rock had sold them
And the LORD had given them up!

26. I would have said, I will] The meaning of the ensuing vb *pa'ah* is uncertain: *cleave them in pieces* (Dri. and the *Oxf. Heb. Lex.*) is hardly justified by the Ar. *fa'a*, which means only *to split*; A.V., *scatter them into corners*, is founded on a doubtful etymology; R.V., *scatter them afar*, is due to the LXX διασπερῶ, which probably read another vb. The meaning adopted since Gesenius by most moderns, **will blow them away**, is, in view of the parallel line, the most probable.
27. *provocation*] Cp. *v.* 19, but here the vexation caused to Himself by the foes' misconstruction. The anthropomorphism is very strong. Sam. reads *my foe*. On the Heb. for *feared* see i. 17, xviii. 22.

28 For they are a nation void of counsel,
And there is no understanding in them.
29 Oh that they were wise, that they understood this,
That they would consider their latter end!
30 How should one chase a thousand,
And two put ten thousand to flight,
Except their Rock had sold them,
And the LORD had delivered them up?
31 For their rock is not as our Rock,
Even our enemies themselves being judges.
32 For their vine is of the vine of Sodom,
And of the fields of Gomorrah:
Their grapes are grapes of gall,
Their clusters are bitter:

28—33. It is doubtful whether these *vv.* relate to Israel or its arrogant foes. The latter I deem the more probable. So already Geddes.

28. *void*] More exactly *forlorn*, Heb. *'obed*, cp. xxii. 3, xxvi. 5.

29. *consider their latter end*] This is weak and omits the preposition *to* which conveys the full sense *understand*, or **see through, to their ultimate fate**, past this temporary triumph over Israel to the punishment God has in store for them, *v.* 34. *vv.* 29—31 are regarded by some as a later intrusion by one who wrongly interpreted *v.* 28 of Israel; and indeed *v.* 32 more naturally connects with 28, which it confirms, than with 31. Note also that God is not the speaker in them.

30. **How could** *one*, etc.] Some ignominious rout of Israel.
delivered them up] Cp. xxiii. 15 (16).

31 For not as our Rock is their rock,
Our foes being judges;
32 For their vine 's from the vine of Sᵉdóm
And out of the tracts of Gomorrah;
Their grapes are poisonous grapes,
Bitterest clusters are theirs.
33 Their wine is the venom of dragons,
The pitiless poison of asps.

31 emphasises the previous couplet; it must have been Israel's God who brought such defeat on His people.

32. These foes of Israel are of the same stock morally (can one produce grapes of thistles?) as the cities whose destruction for their wickedness was proverbial. They are therefore doomed.

fields] Heb. *sᵉdemôth*, a rare word of uncertain meaning. *Tracts* is probably nearer it. It may have been chosen here for its assonance to *Sᵉdom* in the previous line.

Their wine is the poison of dragons, 33
And the cruel venom of asps.
Is not this laid up in store with me, 34
Sealed up [1]among my treasures?
Vengeance is mine, and recompence, 35
At the time when their foot shall slide:
For the day of their calamity is at hand,
And the things that are to come upon them shall make haste.
For the LORD shall judge his people, 36

[1] Or, *in my treasuries*

33. venom *of dragons*] Or, *foam of.*
pitiless poison *of asps*] *Poison*, *rôsh*, as in xxix. 17; *asps*, or according to some, *cobras*, the hooded kind, in Egypt and the lower parts of Syria, especially S. of Beersheba, Heb. *pethanîm*, Isai. xi. 8, etc.

34—43. IT IS DESTINED FOR ISRAEL'S FOES.

34 Is all that not stored with me,
Sealed in my treasuries,
35 For the day of revenge and requital,
What time their foot shall slip.
Yea, near is their day of disaster,
And destiny rushes upon them.

34. *laid up*] Heb. *kamus* not found elsewhere, and probably misread for *kanus*, *gathered*, *collected*. In next line read **treasuries**.
35. Mine are *vengeance*, etc.] Sam. and LXX read *for the day of vengeance*, etc.; and perhaps rightly, see Ginsburg, *Intr.* p. 168. Here intended as an assurance to Israel, but in Rom. xii. 19 as a warning against undertaking revenge oneself, cp. Heb. x. 30.
day of their **disaster**] Jer. xviii. 17, xlvi. 21, Ob. 13, Ps. xviii. 18 (19).
things **destined for** *them*] A late expression.

36 For the LORD shall judge for His people,
And relent for His servants' sake,
When He sees that their grip is gone,
Nor fast nor free remaineth;
37 And shall say, Where be their gods
The rock whereon they refuged,
38 Which ate the fat of their sacrifice,
Drank the wine of their pouring?
Let them arise to your help,
Let them be a covert above you!

And repent himself for his servants;
When he seeth that *their* power is gone,
And there is none *remaining*, shut up or left at large.
37 And he shall say, Where are their gods,
The rock in which they [1]trusted;
38 Which did eat the fat of their sacrifices,
And drank the wine of their drink offering?
Let them rise up and help you,
Let them be your protection.
39 See now that I, even I, am he,
And there is no god with me:
I kill, and I make alive;
I have wounded, and I heal:
And there is none that can deliver out of my hand.

[1] Or, *took refuge*

36. *judge his people*] As the parallel line shows, this means 'will judge for his people.'

power] Lit. *hand*, i.e. *hold* or *grip*.

nor fast nor free] Heb. *'aṣûr wᵉ 'azûb*, an alliterative phrase for the whole population. Whether it means in and out of prison, or under and free of *taboo* or ritual uncleanness, is doubtful.

37. took refuge] As in R.V. marg., so often in the Pss., e.g. ii. 12, xlvi. 2.

38. Let them be a covert above you] So LXX, etc.; Heb. *let it*.

39 See now that I, I am He,
And never a god beside me.
I do to death and revive,
I shattered and I shall heal.
[With none to save from my hand.]
40 For I lift to heaven mine hand,
And say, 'As I live for ever,
41 I will whet my lightning sword,
And on judgement my hand shall close,
Vengeance I wreak on my foes,
And recompense them that hate me.
42 I drench mine arrows in blood,
And my sword shall feed upon flesh;
With the blood of the slain and the captive,
With the long-haired heads of the foe.'

39. *I am he*] The only God, iv. 35. Cp. 'Isai.' xli. 4, xliii. 10, 13, xlviii. 12.

And there is none, etc.] This line is out of place both for the rhythm and the sense, and is apparently borrowed from 'Isai.' xliii. 13 in a similar context. Cp. Hos. v. 14 *b*.

For I lift up my hand to heaven, 40
And say, As I live for ever,
If I whet [1]my glittering sword, 41
And mine hand take hold on judgement;
I will render vengeance to mine adversaries,
And will recompense them that hate me.
I will make mine arrows drunk with blood, 42
And my sword shall devour flesh;
With the blood of the slain and the captives,
[2]From [3]the head of the leaders of the enemy.
[4]Rejoice, O [5]ye nations, *with* his people: 43
For he will avenge the blood of his servants,
And will render vengeance to his adversaries,
And will make expiation for his land, for his people.
And Moses came and spake all the words o this song 44
in the ears of the people, he, and Hoshea the son of Nun.

[1] Heb. *the lightning of my sword.* [2] Or, *From the beginning of revenges upon the enemy* [3] Or, *the hairy head of the enemy* [4] Or, *Praise his people, ye nations* [5] Or, *ye nations, his people*

40. *lift up*, etc.] Cp. Gen. xiv. 22, Ex. vi. 8, Num. xiv. 30 and many instances in Ezekiel.

41. *whet*] See on vi. 7. Jehovah as warrior, as often in later prophecy, *e.g.* 'Isai.' lxiii.

42. *and the captives*] Assigned to death later.

leaders] So LXX ἀρχόντων, Heb. *para'ôth*, Ar. *fara'*, *to excel*; A.V. *beginning of revenges* from the analogy of Aram. *phara*. In Num. vi. 5, Ezek. xliv. 20, *pere'* = *flowing locks*. Cp. W. R. Smith on Jud. v. 2, in Black's *Judges*, in *Smaller Cambridge Bible for Schools*.

43 Sing, O ye nations, His people,
For His servants' blood He avengeth,
And vengeance He wreaks on His foes,
And assoils the land of His people.

43. For this LXX gives eight lines, part quoted in Rom. xv. 10.

Sing] Heb. *harnînû*, the most ringing of the vbs with this meaning.

assoils] *Covers*, or *clears*, *from guilt*, cp. xxi. 8.

the land of His people] So Sam., LXX, etc., doubtless rightly. Heb. as in R.V.

44. Concluding Note. Can hardly be from the same editorial hand as xxxi. 30. It is probable from the opening words, *And Moses came*, that this is a fragment from the end of a narrative of divine instructions given to Moses regarding the Song, such as we find in xxxi. 16—22 (cp. Ex. xix. 7, xxiv. 3); and indeed LXX repeats xxxi. 22 before it. Its position here is another sign of the editorial re-arrangements which the

45 And Moses made an end of speaking all these words to
46 all Israel: and he said unto them, Set your heart unto all
the words which I testify unto you this day; which ye shall
command your children, to observe to do all the words
47 of this law. For it is no vain thing for you; because it
is your life, and through this thing ye shall prolong
your days upon the land, whither ye go over Jordan to
possess it.

materials composing these chs. have undergone. Notice the non-deuter. phrase *the people*, not *all Israel*. For *this Song* LXX has *this Law*, probably an inadvertence. *Hoshea'* (Num. xiii. 8, 16, P) is a clerical error (by omission of one jot!) for *Yehoshua'* or *Joshua*, which is confirmed by all the versions. The addition of Joshua agrees with the Pl. *write ye* of xxxi. 19.

45—47. A Postscript.

Moses again exhorts all Israel to attend to the Law and enforce it on their children, for it is their life, by which they shall prolong their days in the Land. Both the ideas and the language are deuteronomic, and the passage belongs to one of the hortatory supplements to the Law. Most connect it with xxxi. 24—27.

Berth.'s proposal to read *Shirah*, *Song*, for *Torah*, Law, in *v.* 46 (see on xxxi. 24) and to refer all the *vv.* to the Song, is contradicted by the phraseology, which is elsewhere consistently used of the Law.

45. *made an end*, etc.] xx. 9, xxvi. 12, xxxi. 24. Whether *all these words* originally referred only to the Code, or are meant by the editor to cover the hortatory addresses added to it, cannot be determined. *All Israel*, D's formula.

46. *Set your heart*] So Ex. ix. 21, and with another vb vii. 23. On *heart=mind* see vi. 6, xi. 18, xxix. 4.

I testify **against** *you*] See on viii. 19.

that ye may *command* **them to** *your children*] So Heb. and not as in R.V. The idiom is also found in iv. 10. On D's care for the young see vi. 7.

to observe to do] For this formula see on iv. 6.

47. *vain*] Or, *empty*, without profit.

it is your life] As in xxx. 20.

prolong your days...whither ye go over, etc.] For these formulas see on iv. 26.

48—52. Moses' Call to Death.

He is bidden climb Mt Nebo and view Canaan, and die there like Aaron on Mt Hor, because of his trespass against Jehovah at Kadesh. He shall see but not enter the Land.—The language (including the place-names) and the reason given for Moses' failure to enter the Land,

And the LORD spake unto Moses that selfsame day, 48
saying, Get thee up into this mountain of Abarim, unto 49
mount Nebo, which is in the land of Moab, that is over
against Jericho; and behold the land of Canaan, which
I give unto the children of Israel for a possession: and 50
die in the mount whither thou goest up, and be gathered
unto thy people; as Aaron thy brother died in mount Hor,
and was gathered unto his people: because ye trespassed 51
against me in the midst of the children of Israel at the

are those of P (see notes below). There is a doublet in Num. xxvii. 12—14. Which of the two passages is original and which editorial is doubtful. The additions to this one point to its being the later.

48. *that selfsame day*] A standing phrase of P, e.g. Gen. vii. 13, xvii. 23, 26. Ex. xii. 17. Contr. the deuter. *this day* and the like. The day is that stated in i. 3, also from P; *q.v.*

49. *Abarim*] Lit. the men or regions *beyond* or *over* there. Only in P, Jer. xxii. 20 R.V., and Ez. xxxix. 11 (where read '*Abarîm*). The name is proof that the people who used it were settled W. of Jordan and looked across the valley of that river and the Dead Sea, to the E. range beyond. See the present writer's 'Abarîm' in *E. B.*, *HGHL* 53, 548, 553, and *Mod. Criticism*, etc., 18 f.

unto mount Nebo...Jericho] Not in Num. xxvii. 12—14, unsuitable in the mouth of the Deity, and obviously a geographical note like those in chs. ii. f. Nebo is P's name for E's and D's Pisgah. See on iii. 17, xxxiv. 1.

I] The shorter form of the Heb. pronoun as always in P, while in Deut. the longer is used, for exceptions see on xii. 30.

children of Israel] So throughout the passage; not as in D *all Israel*.

for a possession] Not the deuter. *y'rushah* or *nahᵃlah* (inheritance), iv. 21, etc., but *'ᵃhuzzah* as elsewhere in P, e.g. Lev. xiv. 34. The term is exactly equal to the Fr. law-term 'saisine,' the Eng. 'seisin' or 'seizin,' the act of taking corporal possession or the legal equivalent of this.

50. *unto thy people*] Better **thy father's folk**, as always in this phrase. The word, *'am*, originally meant this, but in Heb. is usually widened to people, while in Ar. it='father's brother' and 'father's brother's children' (Driver). The whole phrase is frequent in P, Gen. xxv. 8, xxxv. 29, Num. xx. 24, 26, etc., and is found nowhere else.

on Hor, the mountain] Always so in P; cp. Num. xx. 22—29, xxi. 4, xxxiii. 37—41. Contr. above x. 6 (E).

51. *because ye* **brake faith with** *me*] So Driver. The phrase is chiefly found in P, Ez. and Chron. The judgement on Moses is explained not as in Deut. by the sin of the people, but by that of Aaron and Moses himself. See above, Further Note to Ch. i. 36—38.

in the midst] Heb. *bᵉtok*, P's synonym for the *bᵉḳérḇ* of Deut.

waters of Meribah of Kadesh, in the wilderness of Zin: because ye sanctified me not in the midst of the children of
52 Israel. For thou shalt see the land before thee; but thou shalt not go thither into the land which I give the children of Israel.

the waters of Meribah of Kadesh] As elsewhere in P, Num. xxvii. 14; cp. Num. xx. 13, 24, Ez. xlvii. 19, xlviii. 28, Deut. xxxiii. 2, Pss. lxxxi. 7 (8), cvi. 32.

wilderness of Zin] Heb. *Ṣin*, only in P, Num. xiii. 21, etc. See above, introd. to ch. ii. 1—8.

sanctified me] Cp. P, Num. xx. 12, xxvii. 14. Notice the play upon the name Kadesh.

52. This *v.* is in addition to Num. xxvii. 12—14.

before thee] The Heb. is stronger, lit. *from in front of = over against* (xxviii. 66). Scot. 'forenenst.'

Ch. XXXIII. The Blessing of Moses.

Introduced in *v.* 1 this Poem has three parts:—(1) *vv.* 2—5, Proem, on the origin of the people Israel; (2) *vv.* 6—25, Blessings on its tribes; (3) *vv.* 26—29, Epilogue, returning to the whole people in close continuation of the Proem. Questions arise as to the date of the Blessings, their relation to the Proem and Epilogue (with the date of these), and to the oracles assigned to Jacob, Gen. xlix. 2—27, to which the Blessings are loosely parallel but from which they differ largely in temper and standpoint. Cp. Ryle's *Genesis*.

The Blessings mostly agree with the oracles in Gen. xlix. in their descriptions of the geographical positions and endowments of the tribes (Gen. alone gives these for Judah and the Blessings for Gad); but less frequently in the political and social rôles which they assign to them. They disagree with Gen. xlix. in being uniformly eulogistic, while most of its utterances are otherwise (yet Gen. makes more of Judah and equally blesses Joseph); they allude to the Mosaic age (*vv.* 8, perhaps 9, and 21) as Gen. does not; and, altogether more religious, they emphasise the sacred functions of some of the tribes, while Gen. xlix. is concerned almost exclusively with the secular aspects of its subjects. The atmosphere of Gen. xlix. is primitive in comparison with that of the Blessings, and the conditions it reflects are, except for Judah, less settled.

In Gen. R^e'uben and Sim^e'on are threatened, here R^e'uben is sorely diminished and Sim^e'on has disappeared (yet see on *v.* 6). In Gen. there is no word of the priesthood of Levi; here the tribe is fully established in that. There the earlier, here the later, aspects of Benjamin are reflected. The contrast between the two descriptions of Judah, though at first sight it seems to tell in favour of the priority of the Blessings, is not incompatible with an earlier date for Gen. xlix. The other oracles permit of no comparison as to date—not even those on Gad (see on 20 f.).

Even when we allow for differences of temper and standpoint between two authors, enough remains to show how well founded is the general opinion that the oracles, Gen. xlix. 2—17, are earlier than our Blessings. At the same time there are signs of the fact—also probable from the nature of such poems—that neither collection is of a uniform date, but that both incorporate elements from different periods.

It is not possible to argue for a Mosaic date for the Blessings, except by ignoring the principle on which O.T. prophecy consistently starts from the circumstances of the prophet's own time. The facts that Simᵉon is not mentioned, who took part in the conquest of W. Palestine; that the conquest itself is regarded as past, for *v.* 21 records Gad's share in it; that Benjamin's territory already holds the dwelling-place of Jehovah; and that the N. tribes, settled on their territories, profit by the culture open to them there—all these facts prove that the age of Moses is long past.

Yet 'everything breathes high antiquity and fresh and vigorous power' (Cornill, *Introd.* Eng. trans. 125), 'breathes the spirit of the earlier narratives of Kings' (Driver). The tribes are in secure possession of their provinces. Only Judah is isolated as it became by the Disruption in 930, and Rᵉuben near extinction. For the others there is no sense of impending disturbance, by invasion or exile, such as throbs through chs. xxviii. and xxxii., and such as N. Israel realised by 721 B.C. Nor does the language contain any late elements. Therefore (though some support a date as early as the Judges, e.g. Kleinert) the prevailing opinion is that the Blessings were composed during one of the happier periods of the earlier Kingdom: either in the reign of Jeroboam I., *c.* 940—922 (Schrader, Dillm., Westphal, Driver, etc.), or in that of Jeroboam II., 783—743 (Graf, Kuenen, Stade. Ball, Cornill, Baudissin, Moore, Steuern., the *Oxf. Hex.*, Berth., Marti, Robinson).

There are difficulties with regard to both these dates; against the later the present writer would urge that Judah also was then in a state of high prosperity under Uzziah and at peace with N. Israel, and that the meagre reference to him in *v.* 7 is hardly compatible with this. It seems best to leave the date undefined, except that it was probably between 940, when Judah became separated from the other tribes, and 742—721, the decline and fall of N. Israel; but some of the Blessings may be older, and even much older. For such oracles start early in the life of Semitic tribes, as we see both from Gen. xlix., which contains pre-monarchial elements, and from the oral traditions of Arabs in all times, and drift from generation to generation and tribe to tribe, receiving many modifications and yet preserving, as such Arab poems do, a genuine record of earlier conditions and characters (cp. *Early Poetry of Israel*, 35 f.). Thus it is possible that *v.* 7 may reflect the isolation of Judah from the N. tribes immediately after the settlement; and that *v.* 20 may equally with *v.* 21 refer to the original allotment to Gad of so large a territory; while the oracles on Zᵉbulun, Issachar, Dan, Naphtali and Asher may be almost of any age after the conquest. In the light of this when we speak of an author of the Blessings we can only mean their final author. That he was a N. Israelite is established by his treatment of Joseph, and supported by the Aramaisms in his vocabulary. That he was also a priest is probable from his treatment of Levi.

The Proem (2—5) and Epilogue (26—29) form by themselves a complete poem; *v.* 26 follows close on *v.* 5. The theories, that they are from another hand than that of *vv.* 6—25 and of a late, even an exilic or

33 And this is the blessing, wherewith Moses the man of
2 God blessed the children of Israel before his death. And
he said,

post-exilic, date (Steuern., Berth., Marti), cannot be ruled out as impossible—for they have some phrases peculiar to themselves and to late writings (see notes below) and the O.T. contains similar psalms on the earlier conditions of Israel, which are certainly late. But on the other hand there is no word or phrase in them which is indubitably late, and no allusion or apprehension requiring us to bring them further down the history than the Blessings themselves. They share all the vigour and optimism of these. Besides, the text of the Proem shows a dilapidation compatible with a long oral tradition from an early period. It seems to me more reasonable to regard *vv.* 2—5, 26—29 as the work of the collector and final author of the Blessings himself; who thus provided the latter with a most suitable and sympathetic frame.

The Metre is more rough and irregular than that of the Song in ch. xxxii., but less so than that of Gen. xlix., which we might expect from the respective dates of the three pieces. The same rule prevails of, in general, 3 stresses to the line. Except in 17*a* there are no lines with 4 stresses; provided we expand the text of some of them, as is done below, and that in others we regard two words in the construct case as under one stress or accent. But if this latter rule is always to be observed there are also several lines of only 2 stresses. Lines which have undoubtedly 2 stresses, are *vv.* 3*d*, 10*b*, 25*b*, 27*d*; each, be it observed, the second line of a couplet, thus producing a kinah, or elegiac distich; which metre, as I have elsewhere argued (*Early Poetry of Israel*, 21), was during this period being gradually developed to the perfection it achieved in the 8th and 7th centuries.—As to verses or strophes, a system of quatrains prevails throughout, if certain glosses be omitted. But *vv.* 20 and 26 are certainly triplets; and others may be so unless the text be amended.

1. An editor's introduction; note *children of Israel*, not D's *all Israel*.

the blessing...blessed] This title is not given to the less hopeful oracles assigned to Jacob in Gen. xlix. Great sanctity was ascribed to the words of a dying father or leader on the fortunes of his sons or followers, for such a *blessing* was *before Jehovah*; Gen. xxvii. 7, 23, 27 ff., xlviii. 9, 20, xlix., cp. Josh. xiv. 13.

man of God] Frequently of prophets: Moses, Josh. xiv. 6 (deut.), Ps. xc. (title); Samuel, 1 Sam. ix. 6, 10; Elijah, 1 Kgs xvii. 18; Elisha, 2 Kgs iv. 7, 9, 15, 22, 25, 27; a nameless prophet, 1 Kgs xiii.

2—5. The Proem—The Origin of Israel.

The Revelation by which the tribes became a nation is described in the mingled figures of a dawn and a thunderstorm, theophanies frequent in the Ar. poetry of the desert where natural phenomena suggestive of divine appearance and power are few (hardly more than these and the rainbow); and used several times in Heb. poetry of Jehovah the Inhabiter of Sinai; Jud. v. 4 f., Hab. iii. 3 ff.; cp. Pss. xviii. xxix. and contrast 1 Kgs xix. 11 f. See further *Early Poetry of Israel*, 56 ff.

2 The Lord from Sinaí is come
And risen on us from Se'îr,

The LORD came from Sinai,
And rose from Seir unto them;
He shined forth from mount Paran,
And he came from the ten thousands of [1]holy ones:
At his right hand [2]was a fiery law unto them.

[1] Heb. *holiness.*
[2] Or, *was fire, a law* Or, as otherwise read, *were streams for them*

Hath flashed from the hills of Parán,
And sped from Meríbath-Ḳadesh.
[From the South (?) blazed fire (?) on them.]
3 Lover indeed of His people,
His hallowed are all in His hand,
They, they fall in (?) at Thy feet,
They take up Thine orders.
4 [Moses commanded us law]
His domain is the Assembly of Jacob,
5 And King He became in Yᵉshurun,
When the heads of the people were gathered,
The tribes of Israel were one.

2. *The LORD*] *Jehovah*; as frequently, the Divine Name opens the poem; see on i. 6.

Sinai] See i. 2, 6, on Horeb, and on the view that the mountain lay in Seʿîr cp. Jud. v. 4.

rose] Like the sun: *rays*, or *beams*, forth.

unto them] So Heb. and Sam. But LXX, Targ., Vulg. read **to us**. V. Gall (followed by Berth. and Marti) reads *to his people.*

shined forth] Or **flashed**, so of God in Pss. l. 2, lxxx. 1 (2), xciv. 1; and Job.

Paran] See i. 1; *mount Paran*, as in Hab. iii. 3, is not to be identified with any one range in that mountainous wilderness: *mount* is collective.

came] Better *comes*, *hies* or **is sped**; a vb common in Aram. but in Heb. used only in poetry.

from Meríbath-Kadesh] A probable conjecture from the Heb. *meribᵉboth-kodesh* = *from holy myriads* and LXX *with myriads of Ḳadesh*. Others propose, *with him* (so Sam. Pesh. Targ. instead of *comes*) were *holy chariots* (*markᵉboth-kodesh*). From the Targ. *with him were holy myriads* arose the late Jewish belief that angels (cp. LXX ἄγγελοι in next clause) ministered at the giving of the Law, Acts vii. 53, Gal. iii. 19, Heb. ii. 2.

At his right hand] Or *from*; confirmed by the Versions; yet it is possible that for *mîmîno* we should read *miyyamîn* = *from the South*, in parallel to the previous lines.

was a fiery law] Very questionable. The Heb. consonants *'sh d th* are written as one word, but read by the Massoretes as two, *'esh dath* =

3 Yea, he loveth the [1]peoples;
All [2]his saints are in thy hand:
And they sat down at thy feet;
Every one [3]shall receive of thy words.
4 Moses commanded us a law,
An inheritance for the assembly of Jacob.

[1] Or, *tribes* [2] Or, *their holy ones* [3] Or, *received*

fire, law; but their construction is awkward and *dath* is a late word from the Persian and improbable here. Sam. reads two words, each = *light*; if the first be read as a vb we get the probable *there flashed light*. Dillm. adding two consonants reads *a burning fire*. By reading one word we have an equivalent of the Aram. *'ashidoth* = *lightning flashes*; cp. Hab. iii. 4, *He had horns* (i.e. *rays*) from *his hand*. LXX ἄγγελοι, cp. Ps. civ. 4 *his ministers a flame of fire*. The line may be an intrusion; it is not one of a couplet.

3. *he loveth*] Heb. partic. *hobeb*, only here; the meaning is assured from other Semitic dialects.

the peoples] If the Heb. is accepted render *tribes*. But LXX has **his people.**

his saints] Not in an ethical sense, but as **hallowed**, or *set apart, to Him*; either all Israel or more probably their specially consecrated warriors; see ii. 34, xx. 2 ff., and cp. the other form of the same root, *m*[e]*kuddashaw* for warriors in 'Isai.' xiii. 3.

thy hand] So Sam. LXX; Luc. *his hands*, Vulg. *his hand*; Pesh. *he blesses*.

The text of the next couplet is uncertain; *they sat down* is a doubtful conjecture from the Ar. of the meaning of the Heb. verb otherwise unknown. But warriors do not sit. The LXX *these are under thee* and Sam. *they humble*, or *submit, themselves* suggest **they fall in** (in their ranks) which suits the following *at thy feet*, i.e. *behind thee*; cp. Jud. v. 15 *rushed forth at his feet*, 1 Sam. xxv. 42; *shall receive*, Heb. imperf. better rendered as a present **take up**. Ball conjectures, *they went at his feet, they travelled in his ways*, and Berth. *he sustains thy lot and keeps his covenant with thee*, both ingenious but unsupported by textual evidence, and the former tame.

4. *Moses commanded us a law*] The change to 1st pers. plur. (but LXX B *you*), the introduction of Moses' name, and the fact that the line is an odd one, raise the suspicion that it is a gloss. Law, Heb. *Tôrah*, in its widest sense (see on i. 5, xxxi.); omit *a*. If the line be retained, the next line is in apposition and we must render with Sam. (and LXX) *a possession for the assembly of Jacob* (cp. Ps. cxix. 111). But without changing the consonants we may read, **His possession**, or *dominion, is the assembly of Jacob*; a parallel to the next line. *Assembly*, Heb. *k*[e]*hillah*, only here and Neh. v. 7, in D and elsewhere *kahal* (see on v. 22 and xxiii. 1 (2)), the whole nation as a body politic. *Possession* elsewhere only in P, Ex. vi. 8, and Ezek. (6 times) mostly of the land.

And [1]he was king in Jeshurun, 5
When the heads of the people were gathered,
All the tribes of Israel together.
Let Reuben live, and not die; 6
[2]Yet let his men be few.
And this is *the blessing* of Judah: and he said, 7
Hear, LORD, the voice of Judah,

[1] Or, *there was a king* [2] Or, *And let* not *his men*

5. *And he* became *king in Jeshurun*] i.e. Jehovah. Graf, Wellh., Stade render *and there was a king*, i.e. Saul, but Saul is not relevant here. On *Yᵉshurun* see xxxii. 15.

6—25. THE BLESSING PROPER.

6 Reᵉubén, may he live and not die,
Though few be his men.

6. On the whole this seems the most probable rendering of a—perhaps intentionally—ambiguous oracle. Others take the second line differently:—*but let his men be few* as reflecting the actual condition of the tribe (Driver); *nor let his men be few* (Graf) continuing the influence of the previous negative, but see Driver's note against this; *so that his men be few* (Dillm., Steuern., etc.), which is much the same as the paraphrase above. Heb. *let his men be a number*, an idiom elsewhere used only of a small number (see on iv. 27) so that the suggested *let his men be numerous* (cp. LXX) is improbable.—In Gen. xlix. 4 Reuben though the firstborn *shall not have the excellency*; see the notes there. In Jud. v. 16 the tribe is scorned for its failure to join the others against the Canaanites, and except for 1 Chron. v. 3–10 does not again appear in Israel's history. Nor does Mesha of Moab, 9th cent. B.C., name it. The oracle is therefore probably earlier than that date.

LXX A, etc., read *Let Simeon be many in number*, and Heilprin (*Hist. Poetry of the Ancient Hebrews* I. 113 ff.) supported by Bacon (*Triple Tradition of the Exodus*, 271 f.) conjectures that the first couplet of the next blessing in Judah was originally of Simeon with a play upon his name: *Hear—shemaʿ—the voice of Shimᵉʿon and bring him in unto his people*, and takes the rest of 7 along with *v.* 11 as the original oracle on Judah, in a place more suitable to that tribe, after Levi and immediately before Benjamin. The hypothesis is clever. Yet the introduction of Simeon in a few codd. of the LXX may be a later attempt to fill up the number of the 12 tribes; while on the other hand the absence of Simeon from the poem is explicable by the fortunes of the tribe: cursed in Gen. xlix. 7; absorbed in Judah, Josh. xix. 1–9, 1 Chron iv. 24 ff., and otherwise absent from the history of Israel. Had Simeon been mentioned originally, he could hardly have dropped out.

7 And this of Judah, and he said:—
Hear, LORD, the voice of Judah!
And bring him in to his people.
His own hands have striven for him,
But Thou shalt be help from his foes.

And bring him in unto his people:
[1]With his hands he contended [2]for himself:
And thou shalt be an help against his adversaries.
8 And of Levi he said,
Thy Thummim and thy Urim are with [3]thy godly one,

[1] Or, Let *his hands* be *sufficient for him* [2] Or, *for them*
[3] Or, *him whom thou lovest*

7. See introductory note above.

bring him in] Not *back*. Judah is isolated from the rest of the nation, but whether this refers to that early isolation, to which Deborah's silence upon Judah testifies, or to the later one after the Disruption of the Kingdom it is impossible to say; see introd. to this ch.

With his hands, etc.] Text uncertain, Sam. *his hand*, LXX *his hands, contend for him*. Read therefore **His own hands have striven for him**, in antithesis to the next line, *But thou*, etc. This is better than Stade's '*with thy hands strive thou for him and thou*,' etc. R.V. marg., reading another vb with the same consonants, is possible but less likely; better than it is *his own hands have sufficed for him*. Calvin: *let his hands suffice him*; so too Geddes. Contrast the very different description of Judah in Gen. xlix. 8—12.

8 And of Levi he said:—
Give Levi Thy Thummím,
Thine Urím to the man of Thy grace,
Whom Thou didst prove at Probation
And strive with(?) at Waters-of-Strife;
9 Who said of his father and mother,
I do not regard them;
Nor avowed he his brothers,
Nor acknowledged his sons;
But Thine oracles they kept,
And guarded Thy covenant.
10 They deliver Thy judgements to Jacob,
And Thy law to Israel;
They set up smoke in Thy nostrils,
Holocausts up on Thine altar.
11 Bless Thou his service, O LORD,
And accept the work of his hands!
Shatter his opponents' loins,
And his haters past their opposing.

8. *Thy Thummim*, etc.] This line is overloaded and has no parallel. Prefix (with LXX) *Give Levi*, and the result is two parallel lines of 3 + 3 or 3 + 2 as above.

Thummim and Urim] In inverse order from other records of them in the O.T.:—1 Sam. xiv. 41 (LXX); P, Ex. xxviii. 30, Lev. viii. 8;

Whom thou didst prove at Massah,
With whom thou didst strive at the waters of Meribah;
Who said of his father, and of his mother, I have not 9
seen him;
Neither did he acknowledge his brethren,
Nor knew he his own children:

Ezr. ii. 63, Neh. vii. 65. They were the two sacred lots used by the priest in giving decisions. See Dri.'s full note, *Exod.* 313 f.

thy godly one] Cp. LXX τῷ ἀνδρὶ τῷ ὁσίῳ; Heb. *'ish ḥ^{a}sîdĕka, the man who showed thee hesed* or *true love*; or, more probably from the context, *to whom thou didst show hesed*. It is possible to render *to the men of him to whom thou*, etc., i.e. Levi or Moses or Aaron. The emendation *ḥasdĕka* or *ḥ^{a}sādĕka, of thy grace*, is attractive (Ball).

Whom thou didst prove at Massah, etc.] It is difficult if not impossible to harmonise this couplet with the stories of what happened at Massah = Probation and at M^{e}ríbah = Strife as told by JE, Ex. xvii. 1*b*—7, and JP, Num. xx. 2—13 (cp. above vi. 16, ix. 22, xxxii. 51).

For at Massah the people is said to have *striven with Moses* and to have tempted or *proved Jehovah*; and at Meribah to have *striven with Moses and Aaron* for bringing them into the desert *and with Jehovah* Himself, who gave them water but blamed Moses and Aaron for want of faith. Here on the other hand it is Jehovah who *proves*, and *contends with Levi*, the tribe, who are not mentioned in the above narratives. It is possible to argue, however, that what happened at Massah was God's proving of Moses by means of a critical situation; and that at Meribah He did in His providence *strive* or *debate with* Moses and Aaron by similarly critical circumstances (cp. Ps. lxxxi. 7); and therefore that this couplet is a possible, if free, interpretation of the above narratives. In that case we may take its relative, *whom*, and *thy godly one* of the previous line either as meaning Moses or Aaron or the whole tribe as represented by them. There would remain the discrepancy that while this 'Blessing' implies that Levi issued successfully from the *proof* and *strife* put upon them by God; P, Num. xx. 12 f., records the failure of the faith of Moses and Aaron. Calvin seeks to remove this by regarding our couplet as 'added by way of exception... Moses magnifies God's mercy by this allusion in that He dignified Aaron with so great an honour, notwithstanding his having been overcome with impatience and fallen'; and he quotes the analogy of Christ's call to Peter to feed His sheep after Peter had thrice denied Him (John xxi. 15—17).

Others explain the couplet as referring to a proof of the tribe Levi not recorded elsewhere (yet cp. Ex. xxxii. 26 ff.). Others (e.g. Wellh. *Hist.* 184, Steuern.) translate *for whom* (instead of *with whom*) *Thou didst strive*—whom Thou didst champion, i.e. by giving them the power to bring forth water from the desert rocks. Yet it is also possible to read the vb as a Hiphil, *whom Thou causedst to strive* or *whom Thou broughtest into strife.*

9. Above all claims of kindred the tribe set their duty to the oracles and covenant of Jehovah (cp. xiii. 6 (7) ff., Matt. x. 37, Luke xiv. 26).

'It is not blood but abnegation of blood that constitutes the priest. He must act for Jehovah's sake as if he had neither father, nor mother, neither brothers nor children' (Wellh. *loc. cit.*). Some interpret this specifically of the impartiality of

For they have observed thy word,
And keep thy covenant.
10 They shall teach Jacob thy judgements,
And Israel thy law:
They shall put incense [1]before thee,
And whole burnt offering upon thine altar.
11 Bless, LORD, his substance,

[1] Heb. *in thy nostrils.*

the priests as ministers of justice, they did not respect persons (cp. i. 16 f., xvii. 9 ff.); others see an allusion to Ex. xxxii. 17—29; but both these interpretations are too particular.

Note that, as in D, the whole tribe of Levi are priests, and that in contrast to Gen. xlix. 7 the tribe is consolidated. See Ryle's note there.

'The priests appear as a strictly close corporation, so close that they are mentioned only exceptionally in the plural number and for the most part are spoken of collectively in the singular as an organic unity which embraces not merely the contemporary members but also their ancestors and which begins its life with Moses, the friend of Jehovah, who as its beginning is identified with the continuation just as the man is identified with the child out of whom he has grown' (Wellh *Hist.* 135).

For may be rendered **but.**

10. *judgements...law*] Heb. *Mishpatim...Torah*, cp. xvii. 9 ff. The earlier priest was a teacher and judge (Hos. iv. 6, Mic. iii. 11); and of his functions these also come first here, and are followed by his offices in the ritual of expiation.

incense] Rather **smoke of sacrifice**; for in the earlier Heb. literature, Isai. i. 13, 1 Sam. ii. 16, Amos iv. 5, Hos. iv. 13, xi. 2, the noun *ḳᵉṭōreth* (here *ḳᵉṭōrah*) and the vb *ḳiṭṭer* refer always to such smoke and not to incense.

Of the use of incense in Israel's worship there is no evidence before the 7th cent. B.C.; Jer. vi. 20 appears to regard frankincense as an innovation. At Ta'anach Sellin unearthed an incense altar which he dates about 700 B.C. (*Tell Ta'annek*, 75 ff., 109 f.) and at Gezer Macalister found another in rubbish of 1000—600 B.C. (*PEFQ*, 1908, 211). See further *Jerusalem* I. 333, II. 63 n. 2, 307 f., etc. The *smoke* from the altar conveyed to the Deity in an ethereal form the portion of the sacrificial feast reserved for Him. This seems to have been the primitive idea of the process, and a trace of it survives here in the anthropomorphic phrase **in thy nostrils** (R.V. marg.), cp. Gen. viii. 21, 1 Sam. xxvi. 19, etc. But later the burnt-offering came more and more to have a piacular force; and its *smoke* symbolised to Israel the confession of their sin and their surrender of the lives He was pleased to accept in place of their guilty and forfeit selves. No sacrament could be more adequate than this, which proved at once the death deserved by the guilty, the blackness and bitterness of their sin, and its disappearance in the infinite purity of the skies, the unfathomable mercy of Heaven. It is this piacular meaning which is behind the LXX rendering ἐν ὀργῇ σου, 'in thy wrath,' for *in thy nostrils.*

whole burnt offering] See xiii. 16 (17).

11. *substance*] Better **strength** or **efficiency** and so **service**, parallel

And accept the work of his hands:
Smite through the loins of them that rise up against him,
And of them that hate him, that they rise not again.
Of Benjamin he said, 12
The beloved of the LORD shall dwell in safety by him;
He covereth him all the day long,
And he dwelleth between his shoulders.
And of Joseph he said, 13
Blessed of the LORD be his land;

to *work of his hands*. Yet it might mean *host*, *ranks* or *order*. Calvin retaining *substance* says 'it appears to have been intended tacitly to provide against the poverty which awaited the Levites,' and quotes Ps. cxxxii. 15.

that rise up against him...that hate him] To what this refers is unknown. Some refer it to Num. xvi. 1 ff. or 1 Kgs xii. 31; and the hostility of the prophets to the priests is well-known. As we have seen, others assign the lines to the 'Blessing' on Judah.

12 And of Benjamin he said:—
[Benjamin (?)] beloved of the LORD,
He dwelleth securely always(?).
The Highest is a covert above him,
And dwelleth between his shoulders.

As the overloaded first line of the Heb., the want of a fourth line and the variants of the versions indicate, the text is probably corrupt. The above re-arrangement in a quatrain, though finding some support from the versions, is precarious like every emendation which rests mainly on efforts to regularise the rhythm.—The picture here given is very different from that in Gen. xlix. 27, which reflects the valiant and even savage qualities of the tribe as described in Jud. iii. 15 f., v. 14, xix., xx. 21—25, while this reflects its religious privileges under the (divided) monarchy. (See Ryle.)

12. *The beloved of the LORD*] Heb. *y^edîd Yahweh*; cp. *Y^edidiah* of Solomon, 2 Sam. xii. 25. Of all Israel, Jer. xi. 15.

dwell in safety] Cp. *v.* 28, xii. 10. Above *always* (Heb. *all the day*) is (with some scholars) brought here from the next line.

by him] Heb. *'alaw*, more accurately *upon him* but superfluous both to the sense (and if three lines are read) to the metre; not found in Sam. or LXX; and so either a careless anticipation of *'alaw* in the next line, or to be read as the LXX apparently have done (for they introduce *ὁ θεός* at the beginning of the next line) *'elyōn* = *the Most High*. So Herder, Geddes, etc.

his shoulders] The ridges of Benjamin's territory: cp. Josh. xv. 8, xviii. 13. Since P, Josh. xv. 7, xviii. 15 f., 28, reckons Jerusalem as in Benjamin (while J, Josh. xv. 63 assigns it to Judah) this line has been interpreted as referring to the Temple. But in what is evidently a poem of N. Israel the reference is probably to Beth-el.

13 And of Joseph he said:
Blessed of the LORD be his land,

For the precious things of heaven, for the dew,
And for the deep that coucheth beneath,
14 And for the precious things of the fruits of the sun,
And for the precious things of the growth of the moons,
15 And for the chief things of the ancient mountains,

With the wealth of heaven above,
And the deep that crouches beneath.
14 With the wealth of the crops of the sun,
And the wealth of the yield of the moons.
15 With the best (?) from the hills of yore,
And the wealth of the ancient heights.
16 Even the wealth of the land and its fulness,
And His favour who dwelt in the Bush.
May they come on the head of Yoséph,
On the skull of the crowned of his brothers!
17 His firstling bull's be the splendour,
And his horns the horns of the wild ox!
With them he thrusteth the peoples
Together to the ends of the earth.
These be the myriads of Ephraim,
And these the thousands of Manasseh.

The rather longer Blessing of Joseph in Gen. xlix. 22—26 dwells similarly on the richness of the territory, and on the primacy, of Joseph among the tribes. But it reflects, as this does not, a contest with foreign foes in which he has suffered severely, yet his strength is maintained by the help of *the Mighty One of Jacob* (*the Shepherd, the Stone of Israel*?), *the God of thy father*. The following are close parallels: *v.* 13 with Gen. xlix. 25 *c*, *d*; *v.* 16 *c*, *d* with 26 *c*, *d*. See Ryle's notes.

13. *For*] Rather **with** or **from**, and so throughout 13—16.

precious things] Heb. *meged*, exact meaning uncertain. It is found only here and in Cant. iv. 13, 16, vii. 13 (14) where its plur. is used with *fruits*: R.V.^{m} and Budde *precious fruits*, Haupt *most luscious fruitage*. Here it is similarly rendered by Steuern. 'das Köstlichste,' Marti 'das Herrlichste,' Berth. 'köstliche Gabe.' But from the Ar. analogue it is as likely that it meant *lavishness*, **profusion** or **wealth**. Sam. has *issue* or *profluence*. LXX in *v.* 13 ἀπὸ ὡρῶν, in 14 and 16 καθ' ὥραν, but in 15 ἀπὸ κορυφῆς reading *rôsh* twice.

for the dew] So Sam. LXX. Read (with the change of one consonant) **from above** as in Gen. xlix. 25.

the deep] Heb. *Tᵉhôm* without the art. as always, because originally the proper name of the mythical monster, Bab. Tiâmat, identified with the Ocean and its supposed extension below, as well as around, the earth, the source of springs and fountains; cp. LXX ἀπὸ ἀβύσσων πηγῶν. The personification further survives in the epithet *couching* or *crouching*. See on viii. 7.

14. *growth*] **Yield** or *crop*, what is *thrust forth*, only here. LXX ἀπὸ συνόδων.

15. *chief things*] Heb. *rôsh* (collect.) *tops* or rather *headlands*, see

And for the precious things of the everlasting hills,
And for the precious things of the earth and the fulness 16
thereof,
And the good will of him that dwelt in the bush:
Let *the blessing* come upon the head of Joseph,
And upon the crown of the head of him [1]that was
separate from his brethren.
[2]The firstling of his bullock, majesty is his; 17
And his horns are the horns of the wild-ox:
With them he shall [3]push the peoples all of them, *even*
the ends of the earth:
And they are the ten thousands of Ephraim,
And they are the thousands of Manasseh.

[1] Or. *that is prince among* [2] Or, *His firstling bullock* [3] Or, *gore*

on iii. 27 and small print under xii. 2. Some conjecture *reshîth the best* (fruit) of the hills. Cp. xxxii. 13 *increase of the* **mountains**.

16. *good will*] Or *favour*, from same root as *accept* in *v.* 11.

that dwelt in the bush] See Ex. iii. 2—4. As there bush is *s'neh*, tempting some to read instead *Sinai* (Wellh., Steuern.). The name Sinai used to be derived from *s'neh*, LXX *βάτος*, a blackberry or bramble bush, according to some the *rubus fructuosus*, which however is not found in Sinai, cp. *Palest. under the Moslems*, 73. More probably *thorn-bush* as in Aram. apparently from a root signifying to sharpen, 'the thing with points, spines or teeth.' This bush God does not merely let Himself be seen in as in Ex. iii. 2, but He *inhabits* it. The LXX *τῷ ὀφθέντι* does not accept this, but harks back to Ex. iii. 2.

The next two lines are as in Gen. xlix. 26, except that for *let them be* we have *let...come* (?) an impossible form, which we may emend to *let them come*, i.e. the blessings stated in the previous lines.

that was separate] Heb. *nazîr*, *set apart* solemnly as a Nazarite or as a Prince (La. iv. 7 R.V. *nobles*). So Sam. *nesek* or *nasîk*, *devoted* (to God). More probably **the crowned one**, from *nezer*, *crown* (Zech. ix. 16). But see Skinner's and Ryle's notes on Gen. xlix. 26. LXX there *ὧν ἠγήσατο ἀδελφῶν*, but here *Δοξασθεὶς ἐπ'* (or *ἐν*) *ἀδελφοῖς*.

17. *The firstling of his bullock*] Ephraim, Gen. xlviii. 13 ff.

wild-ox] Heb. *r'em*, Ar. *ri'm* = the white antelope, leucoryx (see on xiv. 5), but the descriptions in the O.T. prove that the Heb. *r'em* was rather the Ass. *rimu*, a gigantic species of ox ('Bos primigenius') now extinct, though its teeth have been found in the valley of the Nahr el-Kelb, in the district where Tiglath Pileser I. (B.C. 1120 ff.) hunted the *rimu* (Tristr. *Nat. Hist. of the Bible*, 146 ff., Houghton, *Trans. Soc. Bibl. Arch.* v. 33, 326 ff.; see more fully Driver's note).

These be] So (without *and*) Sam. LXX, etc.

18 And of Zebulun he said,
Rejoice, Zebulun, in thy going out;
And, Issachar, in thy tents.
19 They shall call the peoples unto the mountain;
There shall they offer sacrifices of righteousness:
For they shall suck the abundance of the seas,

18 And of Zᵉbulun he said:
Rejoice, Zᵉbulún, in thine outgoing,
And in thy tents, Issachár!
19 Peoples they call to the mountain (?),
There slay they the sacrifices due.
For the affluence of seas do they suck
And the hidden hoards of the sand.

The territory of Zebulun in Josh. xix. 10—16 runs *seaward* or *westward*, but apparently without reaching the sea. But in Gen. xlix. 13 the tribe *dwells on the sea-beach, a beach for ships*, with his border by Sidon (Tyre is nearer, but at the date of the poem Sidon must have been suzerain of the Phoenician confederacy) therefore favourably placed for commerce. Similarly here. Issachar, Josh. xix. 17—23, lay further inland, on Esdraelon under Tabor and Gilboa and down towards Jordan; described in Gen. xlix. 14 f. as *a big-boned ass* content to lie *between the sheepfolds* (or *panniers*?), the servant of others. Here he is congratulated, not scorned, because of his home-keeping habits, a contrast to Zebulun's. It is remarkable that nothing is said of the heroism of these tribes, as celebrated by Deborah, Ju. v. 15, 18, cp. iv. 6, 10. On Gen. xlix. 13—15 Skinner remarks that that 'lends colour to the view that this part of the poem is of older date than the Song of Deborah.' This is by no means conclusive.

18. *going out*] Either the tribe's *outlet* seaward, Gen. xlix. 13; or more probably their (foreign) trade; on the Heb. vb as = *doing business* see above, xiii. 13 (14), xxviii. 6.

Issachar, in thy tents] According to Josh. xix. 17—23 Issachar had a number of towns, some important, but all (either by name or situation) agricultural with very fertile suburbs on the Plain. *Tents*, then, is used either poetically for *homes* (cp. *to thy tents O Israel!*) or refers to the custom (seen to-day among the townsfolk of Moab) of resorting to *tents* in summer for the herding of flocks or the tillage of fields at a distance from the towns. Such was the scope of their energies. LXX *his tents*.

19. *They* **call**... *There they* **offer**] Their markets for their trade with other tribes or peoples were also religious festivals, a combination characteristic of the Semitic world (as of others even in modern times) and illustrated at Sinai, Jerusalem, Bethel (*vide* Amos), Hierapolis and Mecca. *The mountain* may have been Carmel or Tabor; but the text is uncertain. LXX have a verb followed by *and* which suggests the Heb. *yahdaw* = together, instead of the awkwardly constructed *har* = mountain. *Sacrifices of righteousness* are of course the **legal**, *due* or fitting sacrifices. Sam. *s. of truth*.

abundance] This form of the Heb. term is found only here; but it occurs in Aram. The lit. meaning is *flowing*; render **affluence**, *pro-*

And the hidden treasures of the sand.
And of Gad he said,
Blessed be he that enlargeth Gad:
He dwelleth as a lioness,
And teareth the arm, yea, the crown of the head.
And he [1]provided the first part for himself,

[1] Or, *chose* Heb. *saw.*

fusion (LXX πλοῦτος); all that the Phoenicians drew from the sea—their sea-borne trade and fisheries and possibly the dredging for sponges still carried on off 'Athlit and Carmel.

of the seas] Plur. as often in poetry, Jud. v. 17, Gen. xlix. 13.

And the hidden treasures, etc.] The Heb. construction (confirmed by Sam.) is awkward, and perhaps we should read a finite vb instead of the participle *hidden*: *and gather* (or *scrape*, cp. Ar. *safan*) *the hoards of the sand.* The reference is either to the manufacture of glass which took place on the sands S. of 'Akka (Josephus, II. *Bell. Jud.* x. 2; Tacitus, *Hist.* v. 7; Pliny, *Hist. Nat.* v. 17, XXXVI. 65) or to the production of purple from the murex (Pliny, *H.N.* IX. 60–65) large quantities of the emptied shells of which are still found about Tyre.

20 And of Gad he said:
Blessed be the Broadener of Gad,
Like a lion he haunts
And tears the arm, yea the scalp.
21 And he saw to the best for himself,
[For there was the lot of the leader (?)]
Yet he went with the heads of the people,
He wrought the just will of the LORD,
And his judgements along with Israel.

On Gad's territory see iii. 16 f. (mingled with that of Reuben); and Josh. xiii. 24—28, where he extends from Aroer on Arnon northward through Moab and *all the cities of Gilead* to Lidebir (just S. of the Yarmûk) *unto the uttermost part of the sea of Chinnereth*: truly the broadest of the tribal territories, *the lot of the leader* (?), as this oracle describes it. On the obscure oracle upon Gad in Gen. xlix. 19, little more than a play upon his name, see Ryle's notes in this series. It is not possible to deduce a date from this oracle; see on *v.* 20.

20. *he that enlargeth*, etc.] Jehovah. The reference is usually interpreted of the recovery of Gad's territory from the Syrians, 2 Kgs xiv. 25 f., and as proof of a date for the poem between that and the conquest by Tiglath Pileser (1 Chron. v. 26). But it may as well be a reference to the original allotment of so vast a territory to Gad, Josh. xiii. 24 ff.

dwelleth] So Sam. **Haunts** is more appropriate. LXX ἀνεπαύσατο.

as a lioness] Cp. 1 Chron. xii. 8: *Gadites...whose faces were like the faces of lions.*

21. *provided*] Lit. *saw* but = *saw to.*

first part] Or *the best*, Heb. *reshîth*. See above, *v.* 15; and on xviii. 4.

For there was [1]the lawgiver's portion reserved;
And he came [2]*with* the heads of the people,
He executed the justice of the LORD,
And his judgements with Israel.

22 And of Dan he said,
Dan is a lion's whelp,
That leapeth forth from Bashan.

23 And of Naphtali he said,

[1] Or, *a ruler's portion* [2] Or, to

For there, etc.] Both the text of this line and the beginning of the next—*kî sham helḳath mᵉḥoḳeḳ saphun* (so far confirmed by Sam.) *wayyeth*—and the meaning, *for there the lot of a ruler was laid up, and he came*, etc., are very uncertain. The line is an odd one and may well be a gloss upon the preceding line.

If the Heb. text be accepted, the meaning is that although Gad had received his large and princely territory E. of Jordan yet he came with (Sam. *associated himself with*) the heads of the people to the conquest of W. Palestine, loyal to the righteous purpose of God, and executed His judgements on its peoples (Ex. xxiii. 31 ff.). Possible emendations are *ḥelḳoh mᵉḥukkaḳ*, and *his lot was ordained* (Giesebrecht); *hullᵉḳah ḥelḳath mᵉḥoḳḳeh* (cp. LXX ἐμερίσθη γῆ ἀρχόντων), *a ruler's lot was allotted*. The last word *saphun*, *reserved* or *laid up*, overloads the line and is by some ingeniously taken with *wayyeth'* of the next line as an inversion of *wayyith-assᵉphun* and *there gathered themselves the heads of the peoples*, LXX συνηγμένων ἅμα ἀρχηγοῖς λαῶν; and the line is taken as a gloss, or as the repetition by a scribe's error of the line in *v.* 5. On the whole *v.* see Num. xxxii.

22 And of Dan he said:
Dan, a whelp of a lion,
He leaps from Bashán.

22. The situation assigned is that northern one, to which the tribe migrated from their earlier seat in the South (Jud. xviii. 7). They settled at Laish (a poetical term for *lion*) or Leshem, thereafter called Dan, which is usually identified with Tell-el-Ḳadi (Ḳadi = Dan) in the valley of Jordan below Ḥermon. But because of the military weakness of this site and the impossibility of holding the valley—the main northern avenue into Palestine—except from the heights above the neighbouring Banias, on which stand the ruins of the Crusaders' Castle, es-Ṣubeibeh, the present writer has argued (*HGHL*, 473, 479 ff.) that the site of Laish or Dan must have been on these heights. This is confirmed by the present *v. he leaps from Bashán*, a name which never covers the Jordan valley where Tell-el-Ḳadi lies, but is applicable to the heights to the E. of it.—The oracle in Gen. xlix. 16 f. reflects this post of vantage over the entrance of invaders from the N.

23 And of Naphtali he said:
Naphtali sated with favour,
And full of the blessing of the LORD,
Sea and South shall he hold.

O Naphtali, satisfied with favour,
And full with the blessing of the LORD:
Possess thou the [1]west and the south.
And of Asher he said,
Blessed be Asher [2]with children;
Let him be acceptable unto his brethren,
And let him dip his foot in oil.
Thy [3]bars shall be iron and brass;

[1] Or, *sea* [2] Or, *above sons* [3] Or, *shoes*

23. The first two lines reflect the extraordinary fertility of *mount Naphtali* (Josh. xx. 7) i.e. Upper Galilee between the Lake on the E. and the territory of Asher on the W., 'an undulating tableland arable and everywhere tilled, with swelling hills...covered with shrubs and trees' (Robinson); along with the still more exuberantly fertile plain of Gennesaret (*HGHL*, 417—421, 446 f. with citations in proof from Josephus, etc.).

satisfied with favour] Cp. Ps. cxlv. 16.

the sea] Not the Mediterranean (Sam. *the West*) but the sea of Kinnéreth, iii. 17.

the south] Heb. *Darom* (so Sam.), a late poetic word, Ez. xl. 27 f., Job xxxvii. 17, LXX λιβά, the S.W. wind, a happy conjecture, for no wind brings more moisture to Mount Naphtali. Geddes: *South* because Naphtali's land lay S. of that of Dan; Graf and Dillm. the *hot land* in the deep trench of the Jordan valley and upon the Lake where the vegetation is tropical. Driver: 'so styled it seems partly in contrast to the main possessions of the tribe (which were farther N.), partly with allusion to the sunny warmth which prevails there'; Berth. emends, 'the sea and the way of the sea' (*derek yam*), cp. Is. viii. 23.

hold thou] So Heb. Sam. LXX read **he shall hold**.

24 And of Asher he said:
Blessed above sons be Ashér,
Be the favoured of his brethren,
And be dipping his foot in oil.
25 Iron and brass be thy bars,
And thy strength as thy days.

Asher lay W. of Naphtali on the same range and enjoyed similar fertility, cp. Gen. xlix. 20: 'I know not if there be in all antiquity a more finished picture' (Geddes).

24. *Blessed* **above sons** *be Asher*] As in R.V. marg., cp. Jud. v. 24.

in oil] All the Galilean highlands were famous for their olives. 'It is easier to raise a legion of olives in Galilee than to bring up a child in Palestine' (*Bereshith Rabba*, 20).

25. *bars*] Heb. *min'al*, found only here, but the meaning is confirmed by that of the similar form *man'ul*, Neh. iii. 3, etc., and by the

And as thy days, so shall thy [1]strength be.
26 There is none like unto God, O Jeshurun,
Who rideth upon the heaven for thy help,
And in his excellency on the skies.

[1] Or, *rest* Or, *security*

Sam. The *shoes* of A.V. and R.V. marg. and the LXX ὑπόδημα are a false conjecture from *na'al*, *sandal*. *Thy*, LXX *his*.

iron and brass] Or possibly *basalt and bronze*; see on viii. 9.

strength] So Sam., LXX, Targ., perhaps reading *robe'* for the Heb. *dobe'*, which is not found elsewhere and is of unknown meaning. Some render *rest* after the doubtful analogy of Ar.; Vulg. *old age*, as if reading *d'b* for *db'*.

26—29. The Epilogue.

26 None like the God of Yᵉshurun!—
Riding the heavens to thy help,
And the skies in His loftiness.
27 The Eternal God is thy refuge,
And beneath are the arms everlasting.
He drove out before thee the foe,
And He said, Destroy!
28 So Israel dwelt securely,
Secluded the fount of Jacob,
On a land of corn and wine,
His heavens too dropped with dew.
29 Happy thou Israel! Who is like thee?
A people saved by the Lord.
[He is] the shield of thy help,
And the sword that exalts thee;
Till thy foes come to thee fawning,
But thou on their heights dost march.

This section follows closely on to *vv.* 2—5, with which it may have been originally one poem.

26. *like* **the God of** *Jeshurun*] So Sam., LXX., Targ., Vulg.; but Heb. reads *like the God, O Yᵉshurun*. Parallels to this line are found in J, Ex. viii. 10, ix. 14; in the Poem, Ex. xv. 11; 2 Sam. vii. 22, and above iv. 35, 39, xxxii. 39.

excellency] Rather **loftiness**, *exaltation*. Geddes sees an allusion to the pillar of cloud by day and fire by night. Of the divine sublimity only here and Ps. lxviii. 34 (35); also there with *skies*.

skies] Or less probably *fine clouds*; Geddes: 'the subtile air.' The word occurs only in the Second Isaiah, the late Jer. li. 9, Job, Proverbs and Psalms, many of which are certainly late.

The eternal God is *thy* dwelling place,
And underneath are the everlasting arms:
And he thrust out the enemy from before thee,
And said, Destroy.
And Israel dwelleth in safety, 28
The fountain of Jacob alone,
In a land of corn and wine;
Yea, his heavens drop down dew.
Happy art thou, O Israel: 29
Who is like unto thee, a people saved by the LORD,
The shield of thy help,
And that is the sword of thy excellency!
And thine enemies shall [1]submit themselves unto thee,
And thou shalt tread upon their high places.

[1] Or, *yield feigned obedience*

27. *dwelling place*] As in Ps. xc. 1. A.V. *refuge*; and some moderns *thy refuge* by emending the text. The LXX renders the line *καὶ σκεπάσει σε Θεοῦ ἀρχή*.

And underneath are the everlasting arms] Berth. and Marti oddly declare this beautiful line unintelligible, on the ground that the arms of God inhabiting heaven (*v.* 26) cannot at the same time be conceived as beneath His people! By changing one consonant and pointing others differently they substitute *and the power* (arms) *of the wicked was broken*. But the figure of the arms underneath (cp. Hos. xi. 3, Ps. lxxxix. 21 (22)) comes in naturally after the other of God as a dwelling or refuge; 'God at once the foundation and the roof of their abode' (Calvin).

And he **drave** *out*; in Hex. only here and in JE (frequently); not in D nor deut. passages.

And said, Destroy] A line of but 2 stresses.

28. *fountain...alone*] For *fountain*, *'ain*, some propose *'am*, *people*. But the figure is emphatic and natural after the previous line: Israel's life shall flow unmixed, untainted with that of the expelled peoples.

29. The metre here is irregular, the first line is overloaded, the third too short, but the text is mostly confirmed by the Versions.

shield] God as shield, Gen. xv. 1, Ps. iii. 3 (4), xviii. 2, 30 (3, 31), lxxxiv. 11 (12).

that is] So Heb.; but omit with Sam. LXX.

excellency] The same word as in *v.* 26, but here in the passive sense of being exalted.

come to thee fawning] Or *cringing*. Pss. xviii. 44 (45), lxvi. 3, lxxxi. 15 (16).

34 And Moses went up from the plains of Moab unto mount Nebo, to the top of Pisgah, that is over against Jericho. And the LORD shewed him all the land of Gilead,

CH. XXXIV. THE DEATH AND BURIAL OF MOSES.

Moses ascends Nebo and the LORD shows him the Land—from Dan to Zoar—promised to the Patriarchs, which he is not to enter (1—4). So he dies, and God buries him, in the land of Moab, no man knowing his grave (5 f.)—his age 120 years, reached with unabated strength. He is mourned by Israel 30 days, and Joshua, whom he consecrated, succeeds him in the people's obedience (7—9). The Book closes with homage to his incomparable rank as a prophet (10—12).—As the varied phraseology reveals, the passage is a compilation from the main sources of the Pent., each of which must have contained some account of the death of the great leader. For details see the notes. An exact analysis is hardly possible, but 'the only uncertainty is in one or two places where the phraseology displays so little that is characteristic that it might have been used by any narrator' (Driver).

1. *Moses went up*] As commanded, iii. 27, xxxii. 49.

plains of Moab] Heb. *'arbôth Mo'ab*, the parts of the 'Arabah (see on i. 1) reckoned as Moabite. The designation is peculiar to P, who gives it as Israel's last camp before crossing Jordan, Num. xxxiii. 48—50, cp. Num. xxii. 1, xxvi. 3, 63, xxxi. 12, xxxv. 1, xxxvi. 13, Josh. xiii. 32, which place these 'steppes' *on Jordan* and *opposite Jericho*. According to iii. 24—29 Moses ascended Nebo from Israel's immediately previous camp in the *glen over against Beth-Pe'or*, which is above the Jordan valley. But *'arbôth Mo'ab* may have been loosely held to cover this higher hollow that debouches on the *'Arabah*.

unto mount Nebo, **the headland of the** *Pisgah*] The former is P's name for the mount (xxxii. 49), the latter that of E (Num. xxi. 20, xxiii. 14) and deuteron. writers, see on iii. 17. It is the headland which breaks from the plateau of Moab between Heshbon and Medaba under the name en-Nebā (='mountain-back,' Dalman *MNPDV*, 1900, p. 23) or Ras en-Nebā, and runs out to the S. of the W. 'Uyûn Musa upon the N. end of the Dead Sea. From the high edge of the Plateau it dips a little, and so loses the view to the E.—Israel's desert horizons for 40 years—but the bulk of W. Palestine is in sight; only at first the nearer side of the Jordan valley is invisible, and N. and S. the view is hampered by the parallel headlands. Further W. however it rises somewhat into the Ras Siaghah, a promontory which, though lower than the Ras en-Nebā, stands freer of the hills to N. and S. The whole of the 'Arabah is now open from at least Engedi, and if the mist allows from still farther S., to where on the N. the hills of Gilead appear to meet those of Ephraim. The Jordan flows below, with Jericho visible beyond it. Over Gilead Hermon has been seen in fine weather. See further *HGHL*, 562 ff.

over against Jericho] Lit. *against the face of*, i.e. (by Semitic orientation) to the E. of.

unto Dan; and all Naphtali, and the land of Ephraim and 2
Manasseh, and all the land of Judah, unto the [1]hinder
sea; and the South, and the Plain of the valley of Jericho 3
the city of palm trees, unto Zoar. And the LORD said 4
unto him, This is the land which I sware unto Abraham,
unto Isaac, and unto Jacob, saying, I will give it unto thy

[1] That is, *western*.

all **the Land—Gilead unto Dan**, etc.] Not as in EVV. *the land of Gilead*. *Dan* itself, either Tell-el-Kadi, on one of the sources of Jordan, or more probably on the neighbouring spur of Hermon above Banias (see above xxxiii. 22, and *HGHL*, 473, 481), is not visible, but Hermon above it is sometimes seen; and Dan is mentioned as the N. limit of the land.

2. *all Naphtali*] The lofty country N. and N.W. of the Lake of Galilee, some of whose hills, over 2,500 feet, may (as Dri. says) be visible from Nebo, as the lower Mt Tabor to the S. of them is.

and **all** *the land of Ephraim and Manasseh*] So LXX. These certainly are in sight with Ebal and Gerizim and the intervening valley particularly distinct.

all the land of Judah, unto the hinder sea] A natural hyperbole; the hinder or Western Sea (xi. 24). The Mediterranean is hidden by the hills of Judah. But again the bulk of Judah is in sight, and the Sea is mentioned as its W. boundary.

3. *the South*] Heb. *the Negeb*, see on i. 7.

the Plain] Heb. *kikkar*, the root meaning of which, to judge from its use alike for a district, a loaf and a weight, must be *round* or *oval*. Render **the Round**: here in apposition (delete *of*) to the *Bik'ah* (lit. space *cleft* or *laid open* between hills, *HGHL* 385, 654 f.), or *Valley, of Jericho*; called also the *kikkar of Jordan*, Gen. xiii. 10 f., 1 Kgs vii. 46. If (as the present writer still holds, cp. *HGHL* 505 ff.) the overwhelmed *Cities of the Kikkar* (Gen. xiii. 12, xix. 29) lay not at the N., but at the S., end of the Dead Sea, the name the *Kikkar*, like the Ar. *ghor* to-day, was applied to the 'Arabah at both ends of that sea.

the city of palm trees] Jud. i. 16, iii. 13; 2 Chr. xxviii. 15. The district of Jericho was celebrated for its palms from a remote antiquity down to Roman times, and even to those of the Crusades. See for details *HGHL* 266 and note 4.

unto Zoar] The position of this town, S. of the Dead Sea, is strongly attested, *HGHL* 506 f. The present passage is not decisive, for it is uncertain whether *unto Zoar* refers only to the Valley of Jericho, or to the whole of the southern regions included in the *v.*

The originality of this geographical list is doubtful. Sam. has instead the ideal description of the Promised Land, *from the River of Egypt unto the Great River, the River Euphrates, and unto the Western Sea*.

4. *the land which I sware*, etc.] As Ex. xxxiii. 1, see above on i. 8.

seed: I have caused thee to see it with thine eyes, but
5 thou shalt not go over thither. So Moses the servant of
the LORD died there in the land of Moab, according to the
6 word of the LORD. And [1]he buried him in the valley in
the land of Moab over against Beth-peor: but no man
7 knoweth of his sepulchre unto this day. And Moses was
an hundred and twenty years old when he died: his eye
8 was not dim, nor his natural force abated. And the
children of Israel wept for Moses in the plains of Moab
thirty days: so the days of weeping in the mourning for
9 Moses were ended. And Joshua the son of Nun was full
of the spirit of wisdom; for Moses had laid his hands
upon him: and the children of Israel hearkened unto him,
10 and did as the LORD commanded Moses. And there hath
not arisen a prophet since in Israel like unto Moses, whom
11 the LORD knew face to face; in all the signs and the
wonders, which the LORD sent him to do in the land of Egypt,

[1] Or, *he was buried*

thou shalt not go over thither] i. 37, iii. 27, iv. 21 f., and in P, xxxii. 52, Num. xx. 12.

5. *the servant of* **Jehovah**] So JE, Num. xii. 7 f., *my servant*, and as here, Josh. i. 1 f., 7, 13, 15, etc.

according to the word of, etc.] Lit. *mouth of*, frequent in P.

6. *he buried*] *He* can only be *Jehovah*, for *no man* knew the grave; hence the rendering *they buried*, though possible, so far as the grammar goes, is contrary to the sense.

the valley...Beth-peor] See on iii. 29.

7. *an hundred and twenty years*] Dates, we have seen, are characteristic of P; this one is a round number = three full generations (see on ii. 7); cp. Ex. vii. 7.

nor his natural force abated] Lit. *nor had his sap fled* or *ebbed*. The phrase cannot be assigned to one source more than another.

8. *the children of Israel wept...thirty days*] So P, Num. xx. 29, of Aaron; *plains of Moab* again *'arbôth Mo'ab*, see *v.* 1.

9. *was full of the spirit of wisdom*] Cp. P in Ex. xxviii. 3, where the wisdom is of a different kind.

laid his hands upon him] So P, Num. xxvii. 18—23.

10. The phraseology now becomes deuteronomic. See on xviii. 15, 18.

11, 12. These *vv.* are irrelevant to the more spiritual estimate of Moses' prophetic rank in *v.* 10, and therefore may be due to a later

to Pharaoh, and to all his servants, and to all his land;
and in all the mighty hand, and in all the great terror, 12
which Moses wrought in the sight of all Israel.

hand. On the deuteronomic phrases *signs and wonders*, *mighty hand*, *great terror*, see iv. 34, and on *all Israel* (not P's *children of Israel*), see iv. 44, xxxi. 23. Thus the Book closes in characteristically deuteronomic style.

APPENDIX

ON CLEAN AND UNCLEAN ANIMALS

(Deut. xiv. 3—20.)

First, some remarks are necessary on the *form* of the deuteronomic list. While most of the names have been reasonably identified with animals still found in Palestine—the credit of this is largely due to Canon Tristram—yet full success in such identification is not, and may never be, possible. Especially precarious is the equation of the names with single species. The names are generic, not specific. They are popular. They give proofs of a close observation of the structure and habits of the animals. But the statement that the hare and the rock-badger chew the cud is not correct; though Arab hunters still assert this of the rock-badger (see on *v.* 7), and indeed 'both in hare and hyrax the peculiar munching movements, the backward and forward movements of the lower jaw, are so strongly suggestive of cud-chewing, that one rather admires the suggestion that they do chew the cud.'

Like that in Lev. xi. 2—23 the list in Deut. is not exhaustive. It details the clean mammals, both domestic and wild, but not the clean birds. It names the unclean birds, but not the unclean mammals except the camel, hare, and rock-badger, nor the reptiles nor the insects. That some of these, the weasel, mouse, and lizards, are added in Lev. xi. 29 ff. starts the question whether at the time our list was drawn up it was felt to be enough to count upon the people's natural repugnance to such vermin, without naming them; and whether the Levitical additions were due to a fresh temptation to use these animals, which Israel had meantime encountered by contact with foreign customs and cults. But this opens up our main subject.

What was the principle of the distinction between clean and unclean animals? Some of the data are obscure and conflicting; and different explanations are possible, none of which is wholly satisfactory. As we shall see, the complex result, which the Law presents, is probably due to many causes, both physical and spiritual.

The following facts are certain.

All Semitic peoples have distinguished between animals lawful and unlawful for food. But their customs, though similar, have varied very much in detail, and flesh which was enjoyed by one tribe was often forbidden to another. Nomad from fellah, coast-dweller from desert-dweller, townsman from rustic, they have differed, and still differ in opinion and in practice as to the cleanness or uncleanness of certain animals.

From the earliest times and long before there was written Law on the subject, the same distinction prevailed in Israel. The O.T. traditions vary as to the origin of flesh-eating. J and P agree that in his first estate man did not eat flesh. In J's record the fruits of the ground are given to man for nourishment—*every tree pleasant to the sight and good for food*—and the animals are created to be his companions; not till he is expelled from the garden and has to cultivate the soil cursed for his sake is anything said of his use of animals for clothing or sacrifice; at the same time serpents are cursed; Noah takes into the Ark seven pairs of every kind of clean animals and one pair of every kind *not clean*, and of the former offers *'ōlōth*, or whole burnt-sacrifices (Gen. ii. 9, 16, iii. 14 f., vii. 2, 20). In P's account man is granted dominion over all animals; cereals and fruit trees are given to him for food, but to the animals grass and herbage; Noah takes into the Ark two of every kind of living creature, along with all food wont to be eaten (Gen. i. 29 f., vi. 19 f.). P knows of no sacrifice nor of any distinction between clean and unclean animals before the legislation at Sinai (see *I.F.* 76, 80). Up to the establishment of the deuteronomic Law, all slaughter and eating of domestic animals was sacrificial, but venison was eaten without ritual (xii). In the earlier histories the only reference to the distinction between clean and unclean foods is in Judg. xiii. 4, 7, 14, where Manoah's wife is warned not to eat anything *unclean*, Heb. *tāmē'*, during her pregnancy. In Hos. ix. 3 f. food eaten in exile is *unclean*, because it is eaten only *for appetite* and cannot be *brought into a*, or *the*, *house of Jehovah*, where alone the sacrifice is valid by which it is rendered *clean*[1].

Again, the marks cited by our law as distinguishing clean from unclean mammals, viz: that they wholly cleave the hoof and that they chew the cud, cannot be intended as the cause or fundamental reason of the distinction. In such features there is nothing to constitute *cleanness*. They are cited merely as convenient signs for carrying out a distinction which rested on other grounds. They are an afterthought, and as we have seen in the case of the hare and the hyrax they are incorrect.

What then were the grounds on which the distinction rested? The answer has often been given that animals were called *clean* or *unclean* according as experience had proved them wholesome or unwholesome fare for man. It is true that the *unclean* birds of our list are feeders on carrion (only the heron, *v.* 18, was long enjoyed in Europe); that the hare has often been considered unhealthy food, and that pork is dangerous especially in the East. Yet healthy peoples freely eat of both; the flesh of the rock-badger denied to Israel is, like that of lizards, enjoyed by Arabs; and some Arabs eat the breast of the ostrich, a rank feeder. Nor can unwholesomeness be the reason for denying camel-flesh to Israel; it is one of the commonest flesh-foods in Arabia.

[1] If the passage is Hosea's, and therefore earlier than D, we must translate *a* house of Jehovah: if with Marti the *vv.* are considered a later addition, we must translate *the* House, and understand by the consecration of the food that which was secured for the whole harvest and increase of flock and herd by the presentation in the temple of firstlings, first-fruits and tithes.

Again, within the same nation some forms of flesh are prohibited to one class of adults which are allowed to others. In several ancient religions the priests might not eat things permitted to the laity (W. R. Smith, *Rel. Sem.* 274); and among modern Arabs certain animals in certain conditions may be eaten only by men and others only by women (Musil, *Ethn. Ber.* 150). Further, camels are eaten in Palestine by Moslems, but not by Christians (Baldensperger, *PEFQ*, 1905, 120). It is well known that certain kinds of food, harmless to most individuals, disagree with others and may possibly sometimes disagree with whole families. But the differences of usage just cited, occurring as they do between whole tribes or religious bodies or religious ranks, or the sexes, cannot all be explained on physical grounds. It is clear, therefore, that the distinction between *clean* and *unclean* flesh-foods does not, at least wholly, rest upon their respective wholesomeness and unwholesomeness[1].

Another and a wider explanation, to which sufficient attention has not been given, is that a people's distinction between clean and unclean animals was determined by the degree of their familiarity with them. This would account at least for those cases which are left unexplained by the other theory: the animals, namely, which are counted unclean and are yet wholesome food for man. Thus the camel, forbidden as food to Israel[2] to whom it came as a foreign beast, takes with the Arabs, to whom it is a domestic animal, a leading rank among their foods, replacing the ox, which is not easily reared in the desert and is regarded by many as the less honourable food (see on *v.* 4). Again fish, readily eaten by Arabs of the coast and of the well-watered Moab and Gilead, is abhorred by Arabs of the waterless desert (see on 9 f.), though these enjoy lizards and the like. Conversely the ostrich, a bird foreign to Palestine, is forbidden to Israel, but in Arabia, of which it is a native, its breast is eaten. Yet this solution offered for the problem is also not perfect. The hare and the wild-boar were as familiar in Palestine to Israel, to whom they were forbidden, as to the Arabs who enjoy them both.

From such physical explanations the argument has therefore fallen back on religious beliefs and customs as the sole and sufficient grounds of the distinction.

We may begin with a religious explanation relevant only to the Hebrew Law. Principal Patrick Fairbairn (*Typology of Scripture*, II. 427 ff.), developing the views of earlier divines, argues that the law of clean and unclean foods manifests at once the bounty and the discipline of God. For man's body it provides enough wholesome fare and on this puts a stamp of sacredness; but by ruling out of the list of permitted foods some that are wholesome along with all that are unwholesome it trains the appetite to habits of discrimination and abstinence.

[1] So already Patrick Fairbairn (*Typology of Scripture*, II. 429 f.), who had not the advantage of the modern evidence quoted above, and who came to his conclusion solely on that of the lists in the Hebrew Law.

[2] In Egypt and in the wilderness Israel had no camels, and under the monarchy their first camels are in charge of a man with an Arab name, *Jerusalem*, I. 323.

'The outward distinction was from the first appointed for the sake of the spiritual instruction it was fitted to convey.' It was 'a symbol,' and like others it disappeared with the rise of the higher freedom which is in Christ. Such a theory does justice to the law's moral influence upon the people in their commerce with foreigners. Like that of the Sabbath, this law of foods helped to maintain Israel's distinction from the heathen, especially throughout the Greek period. Yet the theory, formed at a time when the comparative study of religions was less advanced than it now is, fails to account for the existence among other Semites of food-customs very similar to those sanctioned by the Hebrew laws. We must seek for the origin of the latter in ideas and impressions common to the whole Semitic race.

While the study of Semitic customs reveals everywhere (as we have seen) the practice of a distinction between clean and unclean foods and discovers great varieties in that practice, all of which cannot be explained on physical grounds alone; it also shows that many of the animals forbidden as food by the Hebrew laws were worshipped or were eaten sacramentally by the neighbours of Israel. Reasons of ritual have therefore been proposed—and by some exclusively proposed—as the basis of the distinction.

Heathen Arabs worshipped the lion and the *nasr* or *carrion-vulture* (W. R. Smith, *Kinship and Marriage in Early Arabia*, 208 ff.); fish with scales and without were sacred to certain Syrian deities (*Rel. Sem.* 430), and the people of Harran sacrificed field-mice, dogs and swine (*Id.* 272 ff.). According to 'Is.' lxv. 4 some Israelites provoked Jehovah by eating the flesh of swine and broth of foul things, and believed that such rites enhanced their holiness; and, lxvi. 17, they *hallowed themselves* by eating swine's-flesh, the *detestable* thing (*shekes*, or as others read *sheres*, *creeping things*), and mice (cp. lxvi. 3). Similarly Ezekiel (viii. 10 f.) describes secret places in the Temple where every form of reptile and *detestable* thing and all the idols of the house of Israel were worshipped by the heads of Jewish families. Further *shekes* is a term applied both to unclean beasts and the gods of the heathen.

From this the conclusion has been drawn that 'the unclean creatures are the divine animals of the heathen' (*Kinship* etc., 309); 'because in one cult something is holy, in another it is impure...; we are led to conclude that it is religious grounds which lie below the prohibitions of certain foods by the Law...; the prohibition of the swine presents itself entirely as a protest against the holiness of that beast in some vanquished or foreign cult' (Berth. on Lev. xi.). It is also pointed out that the laws against such foods in D, H and P appeared at the time when those cults largely prevailed in W. Asia (their mystical communions having displaced the old national or tribal cults) and had invaded Israel itself (*Kinship*, 308 f.). The case for this theory is therefore very strong, and is further supported by the reason given for the prohibition of certain foods to Israel in the short summary of H, Lev. xx. 26: *ye shall be holy to Jehovah*, His exclusively and not another god's.

Yet like the others this explanation fails to account for every case in the lists before us. For example, fish with scales are clean to Israel, though they were regarded as sacred to some Syrian deities; doves were eaten in Israel, though the peculiar symbols of a Syrian goddess; sheep were sacrificed in Israel as well as by all other Semites; and still more the ox was permitted to Israel both as sacrifice and food, although it was worshipped by the Canaanites and its sacredness formed the strongest temptation to idolatry which Israel encountered. Therefore the theory, that the animals forbidden by the Law were unclean to the people of Jehovah because of their sacredness to other deities, needs qualification.

This is offered by another explanation, according to which an animal was unclean to Israel not because it was sacramentally eaten in a heathen shrine, but because Israel themselves believed, or had once believed, that it was the inhabitation of some malignant, supernatural power. Referring to the prohibition of *sheres* or *creeping things* because so intensely unclean as to infect whatever they touch (Lev. xi. 29 ff.), W. R. Smith says: 'So strict a *taboo* is hardly to be explained except by supposing that like the Arabian *hanash*[1] they had supernatural and demoniac qualities' (*Rel. Sem.* 275, cp. 143 and *Kinship*, 306). But such a religious belief itself requires explanation. It can have sprung only from these sources:—unfamiliarity with the animals pronounced unclean (as we have seen Arabs of the desert abhorring fish enjoyed by Arabs of the coast, or Israel regarding the camel as unclean while Arabs of all times have partaken of its flesh), or some experience of the pernicious effects of eating certain animals (as the Syrians, with whom fish were sacred to Atargatis, thought that 'if they ate a sprat or anchovy they were visited with ulcers, swellings and wasting sickness,' *Rel. Sem.*, 429 f.), or some accidental coincidence between the eating of an animal and an outbreak of disease. It was very natural for men to ascribe to a hostile demon, resident in the animal, both the fear with which the sight of its strange or repulsive shape affected them and any sickness they may have suffered after eating its flesh. So they called this not 'unwholesome' but ritually *unclean* (*ṭāmē'*). The primary factor, however, in this religious instinct was the strangeness of the beast or its evil taste or the deleterious consequences, real or imaginary, of eating it. And this is confirmed by the primitive rule as to what fruits might be eaten: *and Jehovah caused to spring every tree pleasant to the sight and good for food...and commanded men saying, Of every tree in the garden thou mayest surely eat* (J, Gen. ii. 9, 16). It is difficult to say whether *ṭahōr* and *ṭāmē'* meant first physically, or ritually, clean and unclean, though the general analogy of such terms in Hebrew would point to the former; but it is at least significant that before animals were divided into *ṭahōr* and *ṭamē'* they were simply called *ṭahōr* and *not-ṭahōr* (Gen. vii. 2).

Another form of the religious explanation of the distinction between clean and unclean animals derives this from *totemism*. The *totem* of a

[1] Which covers reptiles, rats, mice, insects, etc.

tribe is an animal (less frequently a plant) which the tribe recognise as physically akin to themselves and as invested with supernatural powers. W. R. Smith and others have argued that, like most primitive races, the ancient Semites also had their totems; and the evidence for this is considerable. The names of a number of Semitic persons and tribes are animal names. In the O.T. we find Rahel Ewe, Leah Antelope or wild-cow, Nun Fish, Kaleb Dog, 'Akbor Mouse, Huldah Weasel, Shaphan Rock-badger, 'Oreb Raven and 'Ayyah Kite. Among the Arabs there are many more (W. R. Smith, *Kinship*, 17, 190 ff., gives a list of personal names identical with those both of clean and unclean animals; cp. Musil's lists in *Ethn. Ber.* and Von Oppenheim's in *Vom Mittelmeer zum Persischen Golf*). In Harran the dog, and among the Arabs the rock-badger, were regarded as the brothers of man (*Kinship*, 201, 204). The totems are most frequently wild animals, for totemism is characteristic of the hunting stage of human life; and nothing does more to break it up than the adoption of pastoral habits along with the notions which these suggest of the kinship of man with his milk-giving beasts through fosterage. But primitively the domestic animals may also have been totems till higher ideas of divinity became attached to them. 'In almost all ancient nations in the pastoral and agricultural stage the chief associations of the great deities are with the milk-giving animals; and it is these animals, the ox, the sheep, the goat, or in Arabia the camel, that appear as victims in the public and national worship.' The gods grew out of and replaced the animal demons (*Rel. Sem.*, 336 f.; cp. 129 f.). But the older ideas survived, as is seen from their recrudescence in Syria, in the 8th and 7th centt., when the national and tribal faiths were broken up. The sacredness imputed to all these animals would affect the use of them in different and opposite ways. It would compel abstention from them as common food, but it would also be the motive of their sacramental use upon solemn occasions, when by partaking of its flesh the tribesmen entered into communion with their totem. Tribes uniting with each other would respect the sacredness of their respective totems and thus alter or modify their own food customs. Or again the totem of their enemies might be solemnly slaughtered and eaten by a tribe as if to absorb the qualities of that beast or to signify the destruction of its human kin (Stade, *Gesch. Isr.*, I. 485). Or again totems might be used medicinally. We cannot limit the directions in which the easily startled mind of primitive man will spring under fear, or hate, or hope, or some other passion. No wonder, then, that Stade (*loc. cit.*) describes all prohibitions of foods as going back to totemism. W. R. Smith (*Kinship*, 310) adds this argument: 'that the Hebrew list of forbidden foods is largely made up of the names of creatures that there could be no temptation to eat under ordinary circumstances, is naturally explained by the theory just put forward.'

These general conclusions are, however, precarious. It cannot be proved that every animal unclean to Israel was, or had been, a totem of one of their own tribes or of an alien people. The hare does not appear as such, but on the contrary was believed by the Arabs to be

avoided by all demons or jinns (*Rel. Sem.*, 122 n. 1; cp. Jacob, *Altarab. Beduinenleben*, 20). Probably for that very reason, the use of its head or of one of its bones as an amulet was both ancient and widespread among the Arabs. Arabs also use as medicine one of the birds unclean to Israel, the *rakhim* or carrion-vulture (*v.* 17), as well as parts of serpents (Musil, *Ethn. Ber.*, 19, 151). Yet the fact that all the unclean birds on the Hebrew lists are carrion-feeders leaves it as possible that the prohibition of them was due to the natural disgust they created as that it was due to their being, or to their having once been, the totems of Israelite or other clans. If the absence of any natural temptation to eat them is a reason for seeking a totemistic explanation of their unlawfulness as food, why are the beasts of prey not also detailed by name?

Above all the advocates of a totemistic explanation of the distinction between clean and unclean flesh-foods take no notice of certain other influences which must have disturbed and altered any system of foods based upon totemism. One of these was the frequency of famine as the result either of war or of natural causes. Deprived of their usual and sacred foods tribes would be forced to experiment with kinds of flesh which for one reason or another they had hitherto scrupulously avoided. In famine-cursed Arabia this may have been the origin of the eating of lizards and serpents. Nor can we ignore the common, everyday sagacity of men, always more or less sharpened by the struggle for the means of living. And, besides, there was the moral sense which we have already (in connection with the sacrifice of children) found operative even among the heathen Semites. If excesses in eating or in drinking, or sexual abuses, were developed in connection with rites, whose centre was the enjoyment of the flesh of a particular animal, there may well have been a revolt against the use of that flesh either ordinarily or as a sacrament.

Obviously, then, it is injudicious to allow to totemism more than a contributory part in the formation of those customs in the use of flesh-foods which prevailed throughout the Semitic world. Baldensperger's description of the distinctions in eating wild beasts and birds observed by the present natives of Palestine implies that these are due to several factors:—tradition, observation of what the beasts and birds eat, and natural disgust at the propensities of some to carrion; but the general rules are evaded by fictitious excuses, and in particular birds regarded as 'unclean' will be eaten when accidentally killed (*PEFQ*, 1905, 120).

Probably all the causes suggested had something to do with the complex and varying results. Both physical and religious motives were at work; and the latter must have often been suggested by the former. As we have seen the strangeness or the repulsive appearance of an animal or the sickness which followed the eating of its flesh would inevitably start the belief that a demoniac power was present in the animal. In the case of animals adopted as totems other ideas were operative. Where the animal gave milk the sense of blood-kinship came naturally to the tribe living on its milk. Where a beast or bird of prey was adopted as the totem we can guess at the cause in some

imagined friendliness on its part, or the wearing of its skin, or some human resemblance in its features, or some weird pride in imitating its habits or in likening its strength to one's own. The effects of totemism on the tribe's food-customs may be inferred with greater certainty; but as we have seen they are variable, opposite and even contradictory. And again all such religious and totemistic practices would be crossed and warped both by natural and by historical events; by the stress of famine and the outbreak of plague, or by migration and the alliances and amalgamations of tribes with different totems. For it is only by so complex a variety of influences, both within totemism and acting upon it, that we can account for what seem to be the arbitrary and inconsistent features in the various Semitic systems of the distinction of foods into clean and unclean. We cannot forget that through all the complexity of religious and social customs there must have been constantly operative the practical need of proving what beasts, birds and fishes were good for food and what were deleterious. Only thus can we explain the adoption of fish as food by tribes to which fish had been at first abhorrent. The simple rule to eat what *was good for food* is remembered in J as primitive and was no doubt always at work. It would require merely another of those religious fictions, in which Semitic societies were expert, to reconcile the happy experience of some new form of food with the religious system under which it had previously been forbidden.

That all such influences had also once affected the tribes which united to form Israel is certain. Even under the written Law Israel's system of clean and unclean foods remains too similar to the customs of other Semites to leave us in doubt upon that point. But within historical times some of the influences had ceased to act directly on Israel and others came into operation. At the beginning of their history the Hebrews were out of the hunter stage of life and into the pastoral. Totemism, replaced by higher forms of religion, had disappeared or was confined to obscure portions of the people (note, however, as a survival to the days of Hezekiah the *Nehushtan* or brazen serpent in the Temple). Food-customs springing from totemism or similar superstitions remained after their origin was forgotten. With the people's settlement on more fertile lands the ox became, in addition to the goat and sheep, a domestic animal; and the sacredness of the relation of all three to the people is obvious from the fact that they could be eaten only sacramentally. On the other hand, Israel's free use of certain wild animals may have been determined by the fact that like the domestic animals these ate of herbage only, while as they stood in no sacred relation to the people they might be slain and eaten without sacrifice. The people's original unfamiliarity with the camel, joined it may be with the fact that it was sacred to foreigners, is a sufficient reason for considering its flesh as unclean. Further effects of their settlement are seen in the differences between others of their food-customs and those of the desert Arabs. They shared that aversion to wild boars and reptiles which (as we have seen) still distinguishes the fellahin from the nomads. Whatever may have been their original

feelings as to fish, they ate fish in Palestine as freely as the Arabs begin to do after settlement in Moab or Gilead. That they ruled out eels and lampreys, the former with very minute scales the latter with none, is intelligible enough, since in shape these resemble serpents. They abstained from birds which feed on carrion and from loathsome wild animals; but whether the motive to this abstention was solely one of disgust or was due as well to the fact that these animals were sacred to other tribes is a point on which we have not enough evidence. On insects and reptiles Deut. xiv. 9 f. is vague, locusts may or may not be forbidden by it; but H, Lev. xi. 20—23, defines what locusts may be eaten, and in a Priestly addition to H, Lev. xi. 2 ff., there are more detailed directions as to unclean beasts. Such differences imply a growth in the customs of Israel, especially with regard to animals on the line of separation and difficult to distinguish in their structure from each other. That the weasel (or rat?) and the mouse, while not mentioned in Deut., are expressly forbidden in Lev. xi. 29, may be due to the recrudescence in the 6th cent. of those rites in which their flesh was sacramentally enjoyed (see above); but more probably we owe it to the scribes' increasing love of detail, since Deut. xiv. is itself subsequent to the 7th cent.

We cannot doubt that the higher ethical spirit which distinguishes Israel from their Semitic kinsfolk, even from the earliest times, had some influence on the people's practice with regard to foods, especially by disciplining the appetite. But of this there are no marks in the written law. There the determining factor is *holiness*, i.e. ritual separation to Jehovah. Of course from this there followed those ethical effects to which sufficient allusion has been made above.

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